I. Welcome

II. Working Group Assignments/Matters for Discussion
   a. Campus Climate
      i. Setting department values and expectations
   b. Prevention and Training Working Group
      i. Faculty and staff sexual harassment training
         http://aaeo.usu.edu/trainings/sexual-harassment-prevention
   c. Policy and Process Working Group
      i. Discussion of OCR’s proposed rules
      ii. Recent case law regarding due process

III. Implementation and Coordination Committee Report
   a. Staff additions to the AAEO office
   b. Update on 2016 Inquiry and Recommendations
   c. USU’s commitments to improve connections with and oversight of Greek Life
   d. Creation of Advisory Board
   e. Upstanding Video, https://www.youtube.com/watch?v=IWKWR_x-xUs

IV. VAWA Grant Report

V. Other
   a. 2018 Clery Report Release

VI. Next Meeting

VII. Upcoming Events
   a. Inclusive Excellence Symposium, October 29
      http://thinkcareact.usu.edu/symposium/symposium-2018/index
   b. Domestic Violence Awareness Month, October
Update on 2016 Recommendations to Improve Sexual Violence Prevention Efforts

1. Centralize and coordinate oversight and responsibility for sexual assault prevention and response

Finding: The inquiry found that USU’s approach to responding to and preventing sexual assault was siloed and that the departments responsible for investigation, adjudication, discipline, and advocacy had poor and irregular communication. This lack of coordination contributed to shortcomings in information sharing and coordination of response efforts. The inquiry also found that there was a lack of clarity on which offices were responsible for receiving and responding to reports of sexual misconduct.

Recommendation: Create a permanent coordinating committee to ensure effective implementation of investigation and adjudication processes, training for faculty and staff, education of students, prevention efforts, and other related Title IX compliance efforts.

Status: USU formed the Implementation and Coordination Committee (ICC) in the fall of 2016. In January 2017 the ICC was formally made part of the University’s committee structure that falls under the USU Sexual Violence Task Force. The ICC has met regularly once a month since the fall of 2016. Membership has expanded over time to include a diverse, interdisciplinary group of employees and practitioners. During the monthly meetings, the ICC discusses response processes and procedures and any needed changes. The ICC also discusses trends in incidents of sexual misconduct within the campus community and potential barriers to reporting. Numerous initiatives have been coordinated by the ICC including information campaigns on consent, USU’s amnesty policy, and most recently a Start by Believing campaign. Smaller groups such as the Title IX Coordinator, USU police, and student conduct meet regularly (weekly or bi-weekly) to discuss and coordinate management of specific cases and reports of sexual misconduct.

2: Ensure that all faculty and staff comply with reporting obligations

Finding: The inquiry found that multiple responsible employees failed to report information reported to them regarding sexual misconduct. The inquiry further found that employees did not adequately understand their reporting obligations, to whom to report, and what information must be reported. This confusion appeared to stem from inadequate and inconsistent training.

Recommendation: Evaluate current sexual harassment training materials for effectiveness, including clear instructions for how and where to report incidents of sexual misconduct.

Status: In September 2016 USU revised its mandatory sexual harassment training materials to include an increased focus on responsible employee requirements and adopted an online delivery system for its sexual harassment training to make the
training more accessible for faculty and staff. Employees completion of this training is tracked to ensure all employees complete the required training.

USU also created new materials to provide guidance on the role of university employees as responsible employees (see https://aaeo.usu.edu/sexual-misconduct/responsible-employee, with handout link) and information about how and where to report. New online reporting links have been added to numerous pages within the usu.edu website, including the homepage for AA/EO and Title IX, the sexual misconduct landing page, the Student Conduct home page, etc. Information about reporting has also been incorporated into a number of resource materials, including guidance for working with students of concern, which is provided to all faculty.

Additionally, USU provided targeted responsible employee training to Housing and Residence Life staff, department heads, Student Affairs employees, and academic advisors. This training has also been provided to several academic departments (faculty and staff). In addition, all responsible employees received an email reminding them of their reporting obligations and providing instructions to complete voluntary supplemental training, which was created by the Clery Center. Moving forward, the ICC, guided by the Title IX Coordinator, will develop additional responsible employee training materials specific to USU and will continue to provide in-person “booster shots” of training on this important topic.

3: Develop education opportunities and improve notice of policies so students and the entire campus community understand reporting options at USU

Finding: A review of policies and procedures, as well as office websites, revealed that the information provided regarding USU’s policy and reporting options was not user friendly and did not adequately explain the difference between confidential and nonconfidential resources or the limitations of anonymous reports.

Recommendation: Expand current training and education opportunities for USU students regarding the nature and meaning of consent, bystander intervention, USU’s policies and procedures, and confidential, non-confidential and anonymous reporting options at USU.

Status: USU’s Prevention and Training Working Group reviewed USU’s current student training materials, as well as other options for sexual misconduct training. The Working Group recommended that USU continue with its current primary prevention training for students but that it make this training mandatory for all incoming students. The working group also recommended that USU adopt an in-person prevention program to be provided to higher-risk student populations. Finally, the working group recommended that USU create a position to manage these training efforts.

In response to these recommendations, USU made its online primary prevention program mandatory for all incoming students those who did not could not register for a future semester. In fall 2017, approximately 97% completed this training.
Additionally, working with the Utah Department of Health, USU adopted the Upstanding Bystander Intervention program. This program is tailored to Utah students and addresses important issues such as rape myths, implicit bias, and how to intervene when a person is being harassed or is at risk of sexual assault or other forms of misconduct. Nearly 3,000 students have been trained since fall 2017. Further, USU has added a training and education coordinator position to ensure consistent and sustained implementation and evaluation of both training programs. This position will be housed with the Title IX Coordinator in the Affirmative Action and Equal Opportunity Office and the position is expected to be filled by fall 2018.

USU also created a sexual misconduct website that provides information about USU policies and links to other campus resources (https://www.usu.edu/sexual-assault/). USU also significantly revised and updated the website for the AA/EO Title IX Office, adding helpful information about navigating the Title IX process and answering frequently asked questions. Websites for the Sexual Assault and Anti-Violence Information office (the victim advocacy office) and the USU police department were also updated and expanded to provide additional information about services and the process for reporting.

And, to ensure that information is available in a variety of forms, USU developed a discrete pocket-sized resource guide, which is available in restrooms and a number of offices and is also widely disseminated at USU programs and activities, as well as by USU police and the AA/EO Title IX Office. All of these materials highlight which offices and services are confidential and which are not. Finally, USU has used social media, op-eds with the student newspaper, video boards, etc. to communicate important elements of its process including its amnesty policy and 10 Things to Know About Title IX.

4: Improve recordkeeping and linking between records maintained by distinct offices

Finding: The inquiry found that recordkeeping systems were insufficient and too susceptible to human error. Both the manual nature of some recordkeeping systems and the lack of connection between department information systems led to a failure to identify relevant prior records.

Recommendation: Continue roll out of Maxient software, purchased Spring 2016, which will link records between Residence Life, Student Conduct and AA/EO/Title IX (with confidentiality protections in place). It also will provide an online reporting option for members of the campus community to report instances of sexual misconduct.

Status: Offices on campus are in various stages of implementing the Maxient software for daily use and case management. And, as implementation moves forward, the university is expanding the use and functionality of this case management software and database. Further, USU has recently identified a need to not only implement Maxient for all current cases, but to also load into the database
all prior cases in order to identify repeat offenders, potentially hostile environments, as well as other broader patterns in reported incidents. This effort is now under way.

5: Continue with already-implemented policy changes to improve investigation and disciplinary processes

Finding: The inquiry found the university lacked a clear procedure for how to evaluate whether an investigation should move forward if a complainant chooses not to participate in an investigation, requests not to be identified to the respondent or witnesses to the incident, or requests that no action be taken against the respondent. Further, the inquiry concluded that while the Student Conduct office took what action it felt it could based on anonymous reports made to that office, all such reports needed to be reported directly to the Title IX Coordinator, recorded by that office, and evaluated for possible action, whether by disciplinary process and/or response to general trends.

Recommendation: Continue with revisions of policies and procedures so current practices are fully transparent and easy to locate. While balancing due process rights of the accused, develop a clear process for how to proceed when a victim is unwilling or unable to participate or when information about an incident is limited. Develop a standardized process for responding to anonymous reports of sexual misconduct, including where such reports are recorded, who responds to such reports, and how such reports are resolved.

Status: In October 2016, USU adopted a policy specific to evaluating victim requests for confidentiality and/or no disciplinary action. This policy requires a risk assessment that evaluates and balances the safety of the complainant and the campus community against the request for confidentiality and/or no university action. The policy also addresses anonymous reports and provides that such reports will be investigated as much as possible but that the university’s ability to take action in response to anonymous reports is often limited. A report on these policies was provided to the Board of Trustees during the October 21, 2016 meeting. Currently, the AA/EO Title IX Office is working on consistent application and documentation of this risk assessment.

USU is currently in the process of revising and centralizing its policies on sexual misconduct. It is anticipated that this new policy will simplify the sexual misconduct investigation and discipline process and will better explain the process, resources, and options for individuals who have experienced sexual misconduct.

6: Address attitudes and campus culture regarding sexual misconduct

Finding: The nature of the reports that were made to the university and the absence of reports to the university led the inquiry to conclude that the university needed to address barriers to reporting.
Recommendation: Expand efforts to address student attitudes regarding sexual misconduct and stigmas related to reporting sexual assault by a fellow student.

Status: Accurately identifying and removing barriers to reporting is a difficult issue to address. Consistent with the recommendation, USU has expanded its efforts to address student attitudes regarding sexual misconduct and stigmas related to reporting sexual misconduct. These efforts include increased prevention training, expanded bystander intervention training, ongoing outreach events, fostering dialogue on issues related to sexual misconduct, supporting student-driven events and projects such as Aggie Heroes and student-developed videos and media campaigns, providing accessible education and information regarding healthy relationships, sex and respect, and partnering with our surrounding community on a Start by Believing campaign. These outward-facing efforts, as well as several publicly reported incidents, have elevated the visibility of this important issue.

The next phase for removing barriers to reporting will be focused on USU’s internal structures. At present, USU is concerned that students and members of the campus community do not lose trust in USU’s Title IX process or other support services for those who have experienced sexual misconduct. Thus, the university has been working to provide increased staffing and resources for Title IX oversight and other interpersonal violence support services. Two new positions were added in 2017 and several new positions have been posted this summer. Most recently, the university has taken the significant step of reorganizing the AA/EO office and oversight of Title IX. Focusing on the core structure of its response and prevention system, USU will continue to strive to improve how the university prevents and responds to sexual misconduct and to develop a system that appropriately balances campus safety, victim empowerment and control, and due process.

7: Improve relationships with local law enforcement and other community partners

Finding: The inquiry found that communication protocols between local law enforcement agencies and the university regarding reported sexual assaults was inconsistent, informal, and led to the university failing to obtain information about reported assaults involving university students.

Recommendation: Continue to develop the appropriate chain of communication and other cooperative relationships with local law enforcement and other community partners.

Status: USU’s new police chief and captain have built strong relationships with local law enforcement and continually work to foster cooperation and support on a number of cases, including cases involving sex crimes and stalking. Communication regarding sexual misconduct cases where USU students are involved has been greatly improved by USU transitioning to the same case management system used by all other local law enforcement. With USU and all local law enforcement on the same case management system, USU police and local law enforcement have worked collaboratively to develop a protocol to identify and track interactions with students.
in this system. This system-based approach to sharing information reduces the need to rely on frequently changing liaison assignments at a number of different agencies and missed communications that can result.

USU is also working to ensure that its investigation protocols include inquiring whether any relevant law enforcement records may exist and obtaining copies of such records.

8: Continually evaluate effectiveness of USU’s response to sexual assault in our campus community, including education, adjudication, and resources.

Finding: The inquiry found the university needed to adopt best practices, such as campus climate surveys, in order to understand the campus climate towards issues related to sexual assault and to identify education and resource needs.

Recommendation: Conduct campus climate surveys and create forums that encourage candid discussion about USU’s efforts to address the issues of sexual assault.

Status: In the spring of 2017, USU implemented a campus climate survey to learn more about the experiences of USU students with nonconsensual sexual contact, bystander intervention attitudes, and students’ perception of university response to sexual misconduct. In response to this campus climate survey, USU has adopted an action plan to address several issues, including the low rate of reporting incidents of sexual misconduct. USU has also implemented a feedback button on its sexual misconduct website and developed a series of in-person focus groups to obtain feedback on its prevention and response efforts.
From Crisis to Opportunity: A Model for Schools in the #MeToo Age

Thursday, Jul. 05, 2018

Victoria Hewlett
This is a republish of an *op-ed published in the Salt Lake Tribune* on Thursday, July 5.

A crisis provides a chance to reevaluate the status quo and make powerful changes that affect the future, signaling that even during times of challenge there is opportunity. Today, we – a rape survivor and former student, along with a university president – come together out of a resolve to transform crisis into an opportunity to positively change the Utah State University campus community.

In 2015, one of us, Victoria, was raped by a fellow USU student at a fraternity party. Three years later, we both recognize that the path forward – our journey to impactful change – comes through actions that would turn that horrible experience into a moment of reform.

Our journey has not been easy, but it has been meaningful. USU is working hard to revise policies, change processes, and train staff so students are better protected and understand their rights, and employees are better prepared to deal with issues of sexual violence. Many of these changes are the result of Victoria and other survivors coming forward to share their stories and demand that USU lives up to its obligation to make certain that all USU students have equal access to an education and that students whose conduct interferes with these opportunities are held accountable.
Until now, USU’s efforts have been aimed at the general campus community. Today, with the support of Victoria and our Greek community’s leadership, USU is unveiling a series of substantial changes to the organization of the Greek system at USU. These changes will provide greater oversight, accountability, education, and support for the Greek community.

In the coming academic year, all Greek organizations will be required to apply for recognition as official student organizations. Although they will remain separate, private entities under their own national organizational structure, in order to be recognized on campus, sororities and fraternities will have to join our student organization system so USU can directly monitor and hold them to the same standards of conduct as other student organizations.

In order to do this, USU is adding a position for a full-time Fraternity and Sorority Life Coordinator whose job will be to routinely monitor Greek organizations to ensure compliance with our policies and the law, to make sure those who feel unsafe or mistreated at those houses have a way to report abuse and violence, and to oversee comprehensive training and education programs for Greek chapter leaders and members on issues related to sexual assault and violence. And because we know that alcohol abuse is linked to sexual violence, the new coordinator will work with Greek chapters to ensure participants act responsibly and comply with the law.

In addition, USU will provide annual trauma-informed training to employees likely to receive reports of sexual assaults. While incoming students are already required to complete sexual assault prevention training, the university will also require all students to complete prevention training. The university will further require all Greek life students to complete prevention training annually. This will help make sure that students involved in Greek life are properly informed and equipped for all aspects of their membership and understand the kind of behavior that is expected of them as USU students and the consequences for not living up to those standards.

We both recognize that the voices of survivors are important in moving forward. Victoria will be working with the university on its efforts to improve its prevention of and response to sexual misconduct. This will include serving on an advisory committee comprised of survivors, experts in the field, and other advocates to provide feedback and expertise to USU.

Nothing can wipe away the pain and trauma that survivors of sexual violence endure and live with every day. But working through that trauma together can lead to reforms that prevent such painful history from repeating itself over and over again. That’s what we hope our partnership, and the changes we’re announcing today, will do. For those of us at USU, these changes are an opportunity to underscore the fact that we take student safety seriously and a recognition that we can do more.

As our country grapples with issues related to sexual violence, we are especially proud that a survivor of sexual violence and a university president have been able to come together and implement important changes that make us all stronger, safer and better at what we do. We hope this model, of turning struggle into opportunity and crisis into change, will serve as a model for other students and schools striving to make their own campuses more welcoming communities for all.

Victoria Hewlett  
Former USU student  

Noelle E. Cockett  
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Steve Ralls, Public Justice, 202 861-5246 sralls@publicjustice.net

Download a copy of the settlement agreement using the PDF link below.

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Post your Comment

We welcome your response. Your comment or question will be forwarded to the appropriate person. Please be sure to provide a valid email address so we can contact you, if needed. Your submission will NOT be published online. Thank you.

Name*
Name

Email*
Email

Comments*

Submit
Exhibit A to Settlement Agreement and Release of All Claims

1. Recognition of Greek Organizations as Official Student Organizations

USU will require that all Greek organizations (i.e., fraternities and sororities) desiring to be active at USU be recognized and approved as official student organizations. This enhanced relationship structure between USU and the Greek organizations will include the following elements: Annually, each Greek chapter will be required to apply and be approved for recognition as a student organization subject to the university’s policies and procedures. Annual recognition will require each Greek chapter to meet the following conditions:

a. Once a semester, including summer semester, submit a report to USU and the chapter’s respective national organization identifying:

i. All known allegations or reports of “misconduct”, including sexual or other misconduct, as defined in this paragraph, by a fraternity or sorority member. Misconduct is defined as: (1) any actual or threatened sexual harassment, including, but not limited to, unwelcome sexual attention, unwelcome touching, coerced sexual activity, dating violence, stalking, sexual assault, and any form of sexual violence (hereinafter “sexual harassment”); (2) physical violence; or (3) other conduct that a reasonable person would believe endangers the safety of persons, whether immediately or in the foreseeable future.

ii. All known allegations or reports of alcohol or controlled substance infractions (e.g. DUI or Minor in Possession) of 1) chapter members and 2) any non-members that resulted from participation in a chapter-organized event, whether on or off campus.

iii. Actions taken by the chapter to internally address reported misconduct and infractions;

iv. Description of actions taken by the chapter to prevent sexual harassment, underage drinking, and alcohol and substance abuse; and

v. Chapter GPA.

b. Each chapter must report any known or observed misconduct or infractions, whether reported to the chapter by a member or an outside party.

c. Each chapter must agree to periodic, random, unannounced inspections by a representative of USU, which shall occur at least twice during each semester, including summer semester, during times when formal or informal social gatherings are expected to be occurring, to determine whether appropriate measures are being taken to prevent misconduct and infractions, and to verify
that the chapter is taking reasonable steps to ensure a safe environment. If a USU representative observes illegal or unsafe conditions, the chapter will be required to report these conditions to the National organization, and USU will impose appropriate sanctions and require appropriate remedial action.

2. **Hiring of New Full-Time Greek Life Coordinator**

USU will create a professional full-time Greek Life Coordinator position within the Student Involvement and Leadership Center to coordinate the relationship between USU and Greek organizations. USU will hire a qualified person to fill this new Greek Life Coordinator position before or shortly after the start of the fall semester of 2018.

a. The Greek Life Coordinator will meet with each Greek chapter at least twice a semester to discuss the report referenced in Paragraph 1 above and discuss any concerns related to the chapter and its members.

b. The Greek Life Coordinator will oversee each chapter's compliance with university policies and procedures and will have authority to enforce the university's policies and procedures.

c. As part of the full-time Greek Life Coordinator position, USU will earmark funds for expenses related to ongoing training and education of Chapter leaders and members to include training and education to prevent sexual harassment. This will help ensure that students are properly informed and equipped for all aspects of their membership.

3. **Trauma-Informed Training for Employees**

USU will provide trauma-informed training to all employees likely to receive disclosures of sexual harassment. USU will provide a copy of the proposed training to Plaintiff's counsel for review and comment. Training will be provided to employees on an annual basis.

4. **Campus Climate Surveys**

USU will continue to perform annual campus climate surveys and will add questions to assess barriers to reporting sexual harassment.

5. **Mandatory Training for Students on Sexual Harassment**

USU will require primary prevention training on sexual harassment for all students and will require annual training on sexual harassment for all high-risk groups, including, but not limited to, all members of fraternities and sororities, and student members and staff of athletic programs. USU shall have up to one year to implement training for existing students.
6. **Revisions to USU’s Sexual Harassment Policies and Training**

USU will revise its policies and training materials on sexual harassment regarding “good faith” reporting and “amnesty” to make the policies more understandable to students. Plaintiff’s counsel will provide suggestions for such revisions, which USU will consider in good faith. USU will inform Plaintiff of the policy changes.

7. **Revisions to USU’s Sexual Harassment Reporting Form**

USU will revise its sexual harassment reporting form to include a question to identify whether the reporting party believes the accused poses a threat to others.

8. **Plaintiff’s Appointment to Assist USU with Sexual Harassment Prevention and Response**

At her request, Hewlett may participate in USU committees, groups or programs to help USU improve its prevention of and response to sexual harassment.

9. **Hiring of Consultant to Develop Training on Sexual Harassment Prevention and Response**

USU will retain and pay an independent consultant to assist in developing training designed to prevent sexual harassment on campus. The consultant will also help develop assessments to determine the effectiveness of the training. Provided that the consultant is agreeable to Hewlett, Mr. Eisenberg or his firm will pay up to a total of $10,000 toward the consultant’s fees.

10. **Assignment of Advocate to Reporters of Sexual Harassment**

USU will continue to provide support services to students and employees who report sexual harassment, including advocacy services. USU will promptly notify students and employees of their options for working with an advocate.

11. **Reporting to Plaintiff**

In June 2019, June 2020, and June 2021, USU will report in writing to Plaintiff (c/o Eisenberg Gilchrist & Cutt and Public Justice) setting forth the steps it has taken to comply with this Exhibit A to the Settlement Agreement.