SOUTHERN METHODIST UNIVERSITY

THE PRESIDENT’S TASK FORCE
ON SEXUAL MISCONDUCT POLICIES AND PROCEDURES

IMPLEMENTATION REPORT

AUGUST 2014
INTRODUCTION

By letter to the University community, dated September 28, 2012, R. Gerald Turner, President of Southern Methodist University, announced the formation of the President’s Task Force on Sexual Misconduct Policies and Procedures chaired by SMU Trustee Kelly Compton. President Turner’s letter stated, “SMU is committed to fostering a healthy and supportive environment, to holding members of the community accountable if they violate the rights of others, and to providing care and counseling to the victims of sexual misconduct. At the same time we encourage respect for the rights of all concerned while investigations and processes unfold.” Within that framework, the Task Force, made up of SMU students, faculty, and administrators, along with community members representing law enforcement agencies and victims’ advocacy and support organizations, met over the course of the 2012-13 academic year to examine SMU’s process for responding to allegations of sexual misconduct and to recommend strategies for strengthening the University’s policies and procedures, and prevention and education efforts. Members of the President’s Task Force on Sexual Misconduct Policies and Procedures are identified in Appendix A at the end of this report.

President Turner’s charge asked the Task Force to determine what changes or actions were necessary for strengthening SMU’s efforts in the following areas: (1) sexual assault reporting procedures, including Clery Act compliance and effective coordination among campus offices, the SMU Police Department and the Dallas County District Attorney’s Office; (2) the student conduct process as it relates to sexual misconduct, including the structure of the grievance procedure required by Title IX and the make-up of conduct review mechanisms; (3) programs and responses to ensure a harassment-free environment, particularly for the complainant; (4) policies regarding students who are accused of sexual misconduct; (5) support services on and off campus for students who are victims of sexual assault; (6) orientation, training and education programs for all faculty, staff and students, especially for those who serve in roles in which a student might report a sexual assault (e.g., resident assistants), and who participate in conduct review activities; and (7) sexual misconduct policies and procedures that treat all parties involved with care and fairness.

The Task Force issued its final report to Dr. Turner on April 22, 2014, which included 41 recommendations addressing each of the seven areas in Dr. Turner’s charge. During the 2013-2014 academic year, various departments and committees on campus worked to implement the Task Force recommendations. This 2014 progress report includes an Executive Summary; a Status Report of each of the 41 recommendations; and Continuing Action Plans.
EXECUTIVE SUMMARY

This Task Force Implementation Report includes a detailed status report of each of the 41 Task Force recommendations. This executive summary highlights the areas where the most significant progress has been made and identifies challenges and priorities going forward.

Significant Progress Made

Over the course of this past year SMU has made significant progress in many critical areas related to the Task Force Charge. Highlights of note include:

- Implementing Title IX investigation procedures though the Office of Institutional Access and Equity (IAE) under the direction of the University’s Title IX Coordinator, Samantha Thomas.
- Developing a comprehensive website and print and online publications providing detailed information regarding SMU’s sexual misconduct policies and procedures. These media also provide information regarding sexual assault prevention and support resources on and off campus, including clearly delineating confidential and non-confidential resources. SMU’s LiveResponsibly website – http://smu.edu/liveresponsibly – contains up-to-date information related to all of SMU’s efforts in the area of sexual misconduct prevention.
- Creating a new publication titled “Live Responsibly: What Students Should Know About Sexual Misconduct and Substance Abuse.” Printed copies of this publication have been distributed to all students, with the online version available to parents, faculty, staff and others who are part of the SMU community. Additionally, new wallet-sized information cards were created and distributed to parents during AARO, SMU’s new student orientation program, along with comprehensive information in the Family Handbook. “What to Do in Case of Sexual Assault” posters were developed and posted in various areas on the main campus, and on the Plano and Taos campuses.
- Launching anonymous reporting systems for those who wish to report a sexual assault but wish to remain anonymous.
- Clarifying the meaning of consent and including the definition of consent in policies and publications related to sexual misconduct.
- Completing a review and revisions of the Student Code of Conduct to make the student code more clear to students.
- Student authorship of a new values statement by and for students. “I, as a citizen of the SMU community, commit myself to upholding the values of
intellectual integrity, academic honesty, personal responsibility, and sincere regard and respect for all SMU students, faculty and staff.” The values statement is included in the preamble to the Student Code of Conduct; and will soon be displayed prominently in the Residential Commons; integrated into new student orientation programs; recited by students during Convocation, at the start of every Student Senate meeting and whenever students gather for important occasions.

- Continuing and new educational initiatives including requiring all new students to take an online substance abuse and sexual assault prevention course, and launching a new bystander intervention program through the Wellness courses that all SMU students are required to take, among other ongoing sexual assault awareness and prevention programs.

- Establishing a weekly Title IX working group in which the Title IX Coordinator and Deputy Title IX Coordinators, Dean of Student Life, Assistant Dean for Student Conduct and Legal Affairs meet to ensure that SMU is meeting our Title IX requirements in response to any sexual misconduct cases reported to the Title IX office. SMUPD meets separately to review any cases that have been reported to SMUPD with appropriate coordinate between the two groups as necessary.

Challenges and Priorities Going Forward

New and proposed federal requirements to Title IX of the Education Amendments of 1972 and the Campus SAVE (The Campus Sexual Violence Elimination Act of 2013) Act outline additional expectations for universities related to the prevention of sexual misconduct on campus and new crime reporting requirements. SMU supports these new requirements aimed at reducing incidents of sexual violence on campus and enhancing support for students, and will fully comply with any new federal mandates. It is also likely all colleges and universities will be required to conduct regular campus climate surveys to better assess the frequency of incidents of sexual misconduct, including sexual assault and other acts of sexual violence on campus; students’ awareness of reporting options and support services; and students’ perception of an institution’s response to reports of sexual assault. SMU plans to conduct a climate survey in the spring term of academic year 2014–15.

Best-practice literature on Title IX also recommends the establishment of a sexual assault advocate program on campus. SMU has trained sexual assault advocates as part of our Office of Counseling and Psychiatric Services. We are exploring expanding this program.

We also recognize and reaffirm the importance of educating our entire campus community about both the prevention of sexual misconduct and how to respond to reports of sexual misconduct so that the effort to eradicate sexual misconduct at SMU is a collective
Every fall SMU welcomes approximately 1,400 new students, which means that we must begin anew each year to educate our students about this critically important topic. We know that our students are a large part of the success of our efforts. SMU students have been directly involved in many of the initiatives summarized in this report. They have also taken the lead on particular efforts, such as the development of the values statement referred to previously, as well as a new initiative titled “Not on My Campus,” which is a student-led campaign related to ending sexual misconduct on SMU’s campus. SMU remains committed, as underscored in the Task Force’s final report, “toward building a campus culture where sexual misconduct is rare.”

**SUMMARY OF PROGRESS ON TASK FORCE RECOMMENDATIONS**

A status report for each of the 41 recommendations proposed by the President’s Task Force on Sexual Misconduct Policies and Procedures, and accepted by President Turner, are provided below. The specific status of each recommendation is indicated by one of three designations: IMPLEMENTED, PARTIALLY IMPLEMENTED or IN PROGRESS. In some cases parts of a full recommendation may be implemented, while others are either partially implemented or in progress. In such cases each part of a recommendation and its specific status are documented separately. In many cases a designation of IMPLEMENTED, is followed by a description of the activities that were conducted in the accomplishment of the particular recommendation, which may or may not be spelled out in the language of the Task Force recommendation.

**SEXUAL CONDUCT REPORTING RECOMMENDATIONS**

**TASK FORCE RECOMMENDATION #1 - IMPLEMENTED/IN PROGRESS**

SMU should provide clear information regarding both internal and external support services available to the campus community in the event of sexual misconduct, regardless of which office initially receives a sexual misconduct report.

IMPLEMENTED: The Live Responsibly Health and Safety website, frequently updated with input from the Task Force working group, provides information about these support services on multiple web pages, including “Getting Help in Case of Sexual Assault,” “Reporting Sexual Assault,” and “Campus and Community Support and Resources.” The site averages about 500 views per month and is prominently featured on the SMU home page.

IMPLEMENTED: In August 2014, all SMU undergraduate students received by direct mail a Live Responsibly brochure on sexual misconduct and substance abuse policies, resources and prevention. This brochure was also emailed to all students, faculty and staff members and is posted online on the Live Responsibly, faculty/staff and parents websites as a pdf for printing.

IMPLEMENTED: SMU’s 2,300 faculty and staff received a laminated pocket-sized card and instruction letter from the Title IX Coordinator and Vice President for Student Affairs in September 2013. The information also is posted on the Live Responsibly site, under the heading, “How Faculty and Staff Can Help.” We are preparing to reprint the cards in fall 2014 for new employees and will continue to assess how frequently to distribute them.
IMPLEMENTED: 350 posters summarizing “What to Do in Case of Sexual Assault” were
distributed to campus buildings, residence halls and sorority and fraternity houses during
September 2013 and again in summer 2014. The information also is posted on the Live
Responsibly site in a pdf that can be downloaded and printed.

IMPLEMENTED: SMUPD’s sexual assault crime alert was revised with input from the Task
Force working group and students, including “Tips to Protect Yourself and Others from
Sexual Assault;” these tips are also posted on the Live Responsibly site.

IMPLEMENTED: Parents receive comprehensive information regarding SMU’s sexual
misconduct policies and support services in the Family Handbook, which is distributed and
discussed in a panel session at the Academic Advising, Registration and Orientation (AARO)
program and also posted online at smu.edu/Parents. Live Responsibly resources also are
highlighted on wallet cards distributed at AARO, on the home page of the Parents website
and in a calendar mailed to first-year parents in August. In addition, 1,400 first-year
families received a letter about health and safety, including sexual misconduct, with an
emergency contacts card in November 2013; in fall 2014 these again will be mailed to new
first-year families.

TASK FORCE RECOMMENDATION #2 - IMPLEMENTED
Complainants should be encouraged to undergo a health assessment offered by Texas
Health Presbyterian Hospital of Dallas’ Sexual Assault Nurse Examiner (SANE) program or
a comparable program as soon as possible.

IMPLEMENTED: All of the information resources listed in No. 1 urge students to seek
medical care as soon as possible and contain information about the SANE program at Texas
Health Presbyterian. The information includes SANE’s contact number and website,
instructions for preserving evidence before the exam, and the availability of SMU Police
and confidential counselors to accompany students to the hospital.

TASK FORCE RECOMMENDATION #3 - IMPLEMENTED
Students should always be encouraged to report sexual misconduct to SMUPD or other law
enforcement agencies, depending upon where the alleged misconduct occurred. Students
should be informed that a police report does not automatically lead to charges being filed
or criminal prosecution. Students also should be informed that even if they talk with the
police, they still will have some input about the case. At the same time, it should be
emphasized to students that it is important to report the incident to the police as soon as
possible so that police can collect evidence and other information that may be helpful in
building a criminal case, even if the student decides to wait until a later date to file charges.

IMPLEMENTED: All of the information resources listed in No. 1 urge students to report
sexual assault to SMU Police or the appropriate law enforcement agency as soon as it is safe
to do, and also provide police contact information. The Live Responsibly site and student
brochure sections on “Reporting Sexual Assault” also contain the additional information on
the reporting process noted in No. 3.
TASK FORCE RECOMMENDATION #4 – IMPLEMENTED/IN PROGRESS
Confidential and non-confidential campus resources should be explicitly defined. Confidential resources include SMU Counseling and Psychiatric Services and the SMU Chaplain’s Office. Other campus resources – including the Office of the Dean of Student Life and SMU Women’s Center – are required to notify SMU’s Title IX Coordinator of sexual misconduct reports. SMU’s Health and Safety website, http://smu.edu/liveresponsibly, designates confidential and non-confidential resources. We recommend that SMU develop a “confidentiality chart” similar to that formulated by Yale University http://smr.yale.edu and include it in all sexual misconduct information materials. The Yale chart delineates where students can expect confidential assistance and where their report of an incident must be reported or escalated and to whom it will be reported or escalated.

IMPLEMENTED: All of the information resources listed in No. 1 define confidential campus and community resources, as well as other campus resources that are required to notify SMU’s Title IX Coordinator. This information is clearly labeled on the Live Responsibly website and is presented as a chart in the Live Responsibly student brochure section on “Reporting Sexual Assault.”

IN PROGRESS: The Yale chart has an interactive element that we plan to replicate for SMU’s purposes. This will be coordinated by the Task Force work group and SMU’s Integrated Marketing team during the 2014-2015 academic year.

TASK FORCE RECOMMENDATION #5 - IMPLEMENTED
Information related to sexual misconduct reporting should inform students that any sexual misconduct reported to a non-confidential resource must be referred to the SMU Title IX Coordinator as required by the Dear Colleague Letter.

IMPLEMENTED: All of the information resources listed under Task Force Recommendation No. #1 inform students that any sexual misconduct reported to non-confidential resources must be referred to the SMU Title IX Coordinator.

TASK FORCE RECOMMENDATION #6 - IMPLEMENTED
Complainant should have the ability to anonymously report a sexual misconduct incident.

IMPLEMENTED: Complainants have the ability to anonymously report a sexual misconduct incident by anonymously submitting the incident in writing to the Office of Institutional Access and Equity (IAE) or by completing the SMU Police Department’s (SMUPD) online Silent Witness Form available at: http://www.smu.edu/BusinessFinance/PoliceAndRiskManagement/Police/Forms/SilentWitnessForm. Complainants and/or witnesses can complete the form. If SMUPD receives an anonymous complaint of sexual misconduct, SMUPD will forward a copy of the complaint to IAE. Both departments will investigate the matter to the extent possible.
TASK FORCE RECOMMENDATION #7 - IMPLEMENTED
Complainant should be able to request anonymity. The Task Force recommends that the request for anonymity by a student who is informally reporting an incidence of sexual misconduct to a faculty or staff member be respected if the student does not consent to the release of personally identifiable information.

IMPLEMENTED: Complainants may request anonymity during the investigation process. Depending on the facts of the case, a complaint can be thoroughly investigated without disclosing the name of the complainant. For some cases, however, withholding the name of the complainant can impede the investigation.

All faculty and staff members received instructional cards in October 2013 that outlined the four major steps to take if a student reports a sexual assault:

1. Urge student to seek medical attention
2. Encourage student to alert police
3. Inform student about campus and community resources
4. Notify SMU Title IX Coordinator

The additional guidance under Step #4 states that the student may request that his or her name be withheld when notifying the Title IX Coordinator of the incident; however, the request for anonymity may impede an investigation. If the Title IX Coordinator receives a report with the name withheld, the Coordinator will investigate the matter to the extent possible and will only request the name of the complainant as needed to ensure the safety of the complainant and/or the University community.

IMPLEMENTED: Requests for confidentiality and anonymity are evaluated on a case-by-case basis depending on the circumstances of each incident. In addition, students can come to IAE for guidance and information without disclosing any particular facts or filing a complaint of sexual misconduct. The University has also taken steps in its sexual misconduct guidance to students to clearly define campus offices that keep complainant information completely confidential versus the offices that keep it highly confidential, but share on a need-to-know basis.

TASK FORCE RECOMMENDATION #8 - IMPLEMENTED
SMU should fund after-hours counselors and/or publicize the Dallas Area Rape Crisis Center (DARCC) 24-hour rape crisis hotline across campus so that complainants will have confidential resources available at all hours.

IMPLEMENTED: We continue to publicize and provide after-hours counselors for sexual assault as well as publicize Dallas Area Rape Crisis Center (DARCC) hotline and services and provide information about these and other services provided in all training endeavors conducted for other groups and departments on campus.
TASK FORCE RECOMMENDATION #9 – IMPLEMENTED
SMU should ensure that adequate resources are provided to the SMU Health Center for specially trained and dedicated sexual assault counselors and to SMUPD for specialized training for police officers.

IMPLEMENTED: Dr. Cressy Wang, a Counseling Psychologist on the staff of the SMU Counseling and Psychiatric Services (CAPS) team, has been identified as the individual to receive training in provision of sexual assault counseling services and partner with Dr. Cathey Soutter, Director of CAPS and SMU’s Coordinator of Psychological Services for Women and Gender Issues, in activities relevant to sexual assault advocacy for the campus.

IN PROGRESS: At present, we are in the planning phase of identifying other campus community members who can engage in advocacy work and exploring the feasibility of creating an on-campus sexual assault advocacy and violence prevention office.

TASK FORCE RECOMMENDATION #10 – IMPLEMENTED/IN PROGRESS
An instruction document, such as a pocket-sized card, should be developed for all SMU employees with information about how to support students who report sexual misconduct. These instructions should be formulated in consultation with campus and community experts and law enforcement agencies. These instructions also should be available online and included in employee training.

IMPLEMENTED: A laminated pocket-sized card and a letter from the Title IX Coordinator and Vice President for Student Affairs were mailed to SMU’s 2,300 faculty and staff in September 2013. The information also is posted on the Live Responsibly website, “How Faculty and Staff Can Help.”

IN PROGRESS: The Title IX Coordinator and Public Affairs are coordinating with the Task Force working group and Human Resources during 2014-15 to incorporate instructions in employee training and assess the need for additional printings for faculty/staff.

TASK FORCE RECOMMENDATION #11 – IMPLEMENTED
A checklist should be developed for staff members who may meet with a student to more formally review the sexual misconduct reporting process. The checklist should outline the rights of complainants and respondents, and identify the resources available to them as part of the University’s investigation of sexual misconduct. We recommend that this checklist be developed by the Dean of Student Life Office and the Title IX Coordinator in consultation with other campus offices as appropriate. One side of the checklist might provide information for complainants and the other side for respondents, so each is aware of the information provided to the other.

IMPLEMENTED: The Office of Institutional Access and Equity (IAE), in collaboration with the Dean of Student Life Office, has developed a checklist to be used with complainants and respondents outlining the following information: resource materials, confidentiality, retaliation, filing options, evidentiary standard, interim protective measures, policy and
procedure review, and sanctions. As recommended by the Task Force, the checklist also includes an attached list of rights of the complainant and rights of the respondent. The document includes a signature block for the student to acknowledge the receipt of the information and for the IAE representative meeting with the student. A student does not have to sign the document in order to proceed with a complaint.

**TASK FORCE RECOMMENDATION #12 - IMPLEMENTED**
The Task Force reaffirms the University's ongoing commitment to respond in a timely manner when a sexual misconduct incident has been reported to University personnel. The SMUPD operates a 24-hour emergency line. Counseling and Psychiatric Services' hotline also is available to students 24 hours a day. SMU also maintains a "Dean on Call" procedure, whereby a Student Affairs staff member is always available to police or other SMU staff when an emergency involving a student occurs.

IMPLEMENTED: All of the information resources listed in No. 1 note that SMU Police and CAPS, as well as the Dallas Area Rape Crisis Center hotline, are available to students 24/7. The Live Responsibly website and brochure state that SMU is committed to responding in a timely manner to reports of sexual assault. The Live Responsibly site also promotes the "Caring Campus Community" program for faculty and staff to report concerns to the Office of the Dean of Student Life.

**TASK FORCE RECOMMENDATION #13 - IMPLEMENTED**
The University should ensure the complainant and respondent are provided with the reasonable support and protection necessary to continue her or his education while the sexual misconduct complaint is investigated. Language in the University's sexual misconduct policy must affirm that the complainant will be provided this support and protection.

IMPLEMENTED: Both the complainant and the respondent are provided with reasonable support and protection as deemed necessary to continue their education during an investigation. Examples of support and protection include, but are not limited to: counseling, No Contact Orders (issued to both parties), notification letters to faculty requesting support, course schedule changes, residence hall changes, and restricted access to campus. Section 8.2.8 of the Interim Title IX Harassment Policy 2.5.1 outlines some of the interim protective steps that the University may take during an investigation.

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1 The CCC program is an online process for gathering and acting upon reports of students showing signs of distress and about whom members of the campus community are concerned. The Dean of Student Life or a designee meets with all students identified by the CCC. Issues of focus in CCC reports can include, but not be limited to: students missing classes to concerns about alcohol, drugs, parent and family problems, and general personal and academic issues.
TITLE IX POLICIES RECOMMENDATIONS

TASK FORCE RECOMMENDATION #14 – IN PROGRESS
The Task Force affirms SMU’s existing Interim Title IX Harassment Policy 2.5.1 delineating the University’s process for investigating sexual harassment, including sexual misconduct, in accordance with the requirements of Title IX and the implementing provisions of the Dear Colleague Letter. The Task Force recommends that Interim Policy 2.5.1 become a permanent SMU policy as soon as the Task Force recommendations have been reviewed and approved by appropriate University personnel.

IN PROGRESS: IAE has been working closely with the Office of the Dean of Student Life to investigate and resolve complaints of sexual misconduct under the Interim Title IX Harassment Policy. Having addressed complaints under the Policy, the offices are in agreement that the Policy is in need of revision. We are still in the process of analyzing how we can make the Policy more effective and have begun to draft revisions.

TASK FORCE RECOMMENDATION #15 – IMPLEMENTED/IN PROGRESS
SMU should enhance efforts to educate students about the role of the Title IX Coordinator in response to incidents of sexual misconduct.

IMPLEMENTED: All of the information resources listed in No. 1 contain information about the role of the Title IX Coordinator. The Live Responsibly website and brochure contain sections on “What Is Title IX?” and list the Coordinator and Deputy Coordinators, along with their contact information.

IMPLEMENTED: Op-eds on Living Responsibly by the Title IX Coordinator and Vice President for Student Affairs were published in the Daily Campus in fall 2013 during Family Weekend and again in spring 2014. They are posted on the Live Responsibly website.

IMPLEMENTED: A table poster was created in August 2013 for the Title IX Coordinator to take to events.

IN PROGRESS: Students who experience sexual assault will receive the Live Responsibly brochure from the Title IX Coordinator. Previously SMUPD, CAPS and IAE each had their own brochure, which meant a student could receive three separate brochures. Public Affairs is continuing to work with the Title IX Coordinator in 2014-15 to review materials for students.

TASK FORCE RECOMMENDATION #16 - IMPLEMENTED
Title IX Coordinator and Deputy Title IX Coordinators should not directly oversee the student conduct process.

IMPLEMENTED: SMU has implemented this recommendation.
STUDENT CONDUCT PROCESS AND THE STUDENT CODE OF CONDUCT
RECOMMENDATIONS

Enhancing student understanding of the Student Code of Conduct related to sexual misconduct

TASK FORCE RECOMMENDATION #17 – IN PROGRESS
The language in the preamble to the Student Code of Conduct should be more accessible to students and reflect a more conversational tone. However, since the precise provisions of the code are subject to interpretation and consequent enforcement, the existing code should retain its more formal language. Definitions and specific examples should be added to the code that will facilitate students’ understanding of the terms used. We recommend SMU review the conduct codes of Emory, Marquette and Yale universities and consider whether changes should be made in the organization and language of SMU’s code to make it more readable and easier to understand.

IN PROGRESS: A comprehensive review of the Code of Conduct and University Conduct Review Process was undertaken during Summer 2013 for implementation during the 2013-2014 academic year. Many of the changes that were made simplified and streamlined the documents in an attempt to enhance student understanding. Additional changes are being considered for the University Conduct Review Process and University Policy 2.5.1 (Interim Title IX Policy) in order to enhance this understanding further.

TASK FORCE RECOMMENDATION #18 – IN PROGRESS
Sexual misconduct policy should constitute a separate section of the broader Student Code of Conduct.

IN PROGRESS: The current sexual misconduct policy is articulated in University Policy 2.5.1 (Interim Title IX Policy), which is completely separate from the Code of Conduct and University Conduct Review Process. That being said, there are references to the sexual misconduct policy in the University Conduct Review Process and Code of Conduct in order to demonstrate the connection between the two and provide further references for students needing additional information about the sexual misconduct policy.

TASK FORCE RECOMMENDATION #19 - IMPLEMENTED
Students should understand the difference between pursuing a sexual misconduct case through the University conduct process and pursuing a criminal process, and their option to pursue both or either process.

IMPLEMENTED: All of the information resources listed in No. 1 contain information about students’ options to pursue the internal grievance process and the criminal process. The Live Responsibly site and student brochure contain detailed sections on “Criminal and Grievance Options.”
Defining and Communicating Consent

TASK FORCE RECOMMENDATION #20 – IMPLEMENTED
The definitions of consent included in the conduct codes of Brandeis, Emory, Marquette and Yale universities should be reviewed, and appropriate changes should be made to SMU’s definitions and explanation of consent.

IMPLEMENTED: The definition of consent was a topic of discussion for several months at meetings with representatives from the Office of Legal Affairs, the Office of Institutional Access and Equity, and the Office of the Dean of Student Life. Toward the end of the Fall 2013 semester, a final definition was decided upon, and all materials where the term “consent” appears have been updated.

Hearing Boards

TASK FORCE RECOMMENDATION #21 - IMPLEMENTED
The Task Force recommends that hearing boards continue to be included in the student conduct process for sexual misconduct cases where their use is appropriate and/or at the complainant’s request.

IMPLEMENTED: Hearing boards continue to be included in the student conduct process for sexual misconduct cases.

TASK FORCE RECOMMENDATION #22 – IMPLEMENTED
The Task Force recommends that a sexual misconduct hearing board continue to be appointed as a subset of the student conduct hearing boards. This body should be specifically designated as the sexual conduct misconduct board, and its members should continue to receive specialized training. In addition to the internal training resources, we encourage SMU to take advantage of the many external training resources that are available. In addition, we recommend that members of the appellate board called the University Conduct Council (UCC) also receive specialized training related to sexual misconduct prevention and support.

IMPLEMENTED: A number of individuals on the University Conduct Board are already trained to hear sexual misconduct cases, specifically. During the Fall 2013 semester, members of the University Conduct Council also received training related to sexual misconduct cases. A number of individuals and resources from within and outside SMU were and continue to be utilized for the training. Members of hearing boards will continue to be trained annually.

TASK FORCE RECOMMENDATION #23 – IN PROGRESS
The Task Force affirms that students should continue to serve on sexual misconduct hearing boards. While students may be members of such boards, they should not serve as chair, nor should they make up a majority of board membership. Students and all other board members should be required to keep confidential all information presented as part of the hearing process. Those who breach confidentiality must be immediately removed.
from the board and sanctioned. Student appointments to the sexual misconduct hearing board should be equal to the honor and responsibility bestowed on appointments such as the student member of the Board of Trustees or student representatives to Board committees. The selection process leading to the appointment of students to a sexual misconduct hearing board should aim at recruiting the most highly respected students. SMU should offer special recognition to students who serve on this board.

IN PROGRESS: Students are already a part of the University Conduct Board and University Conduct Council. Focus groups were conducted in the Fall 2013 semester to learn more about ways to honor and incentivize students to serve on the UCB and UCC. Some of the ideas generated included appointment or special recognition for students from President Turner; early registration for classes; and recognition at the annual Awards Extravaganza or some other University-wide event. Recruitment for the 2014-2015 University Conduct Board and University Conduct Council has been completed for the 2014-2015 academic year. In addition, a proposal is in preparation for students to obtain credit for the UC community engagement proficiency for participation on the University Conduct Board and the University Conduct Council.

Retaliation

TASK FORCE RECOMMENDATION #24 – PARTIALLY IMPLEMENTED/IN PROGRESS
The SMU sexual misconduct policy should forbid retaliation against the complainant and others involved in the reporting of a sexual misconduct incident in clear language and should include examples. This aspect of the policy should be strongly emphasized in training related to the sexual misconduct policy.

PARTIALLY IMPLEMENTED/IN PROGRESS: Section 2.2 of the Interim Title IX Harassment Policy expressly prohibits retaliation, but does not include examples of retaliation. Examples of retaliation will be added to the Policy when it is revised.

TASK FORCE RECOMMENDATION #25 - IMPLEMENTED
When an incident of sexual misconduct is reported, SMU should take clear steps to address the possibility of retaliation and adjudicate any retaliatory behavior immediately. University personnel who meet with complainants, respondents and other members of the student community must underscore the University’s policy of not tolerating retaliation and make it clear to all that such instances will be grounds for a separate adjudication.

IMPLEMENTED: IAE discusses retaliation with all parties involved in a sexual misconduct investigation – complainant, respondent, and witnesses. IAE clearly explains that retaliation is expressly prohibited under the Interim Title IX Harassment Policy and that retaliation is considered a separate violation of University policy. Parties are instructed to immediately report any instances of retaliation to IAE.
Amnesty for Alcohol and Drug Violations

TASK FORCE RECOMMENDATION #26 - IMPLEMENTED
SMU should add language to the Student Code of Conduct indicating that it may be possible to extend the amnesty policy for alcohol and drug violations to students in sexual misconduct cases.

IMPLEMENTED: The following wording has been added to the University Conduct Review Process: “In cases involving allegations of sexual misconduct, the investigation will focus primarily upon the allegations of sexual misconduct. Students involved in a sexual misconduct case may qualify to receive amnesty for other violations of the Code of Conduct.”

Other Recommendations

TASK FORCE RECOMMENDATION #27 - IMPLEMENTED
Complainant and respondent must be treated fairly throughout the process. Any campus office involved in responding to sexual misconduct incidents or providing support to students involved in such incidents must be equally available to both students. Additionally, both the complainant and the respondent should be provided with a student conduct liaison and counselor from Counseling and Psychiatric Services; both students should be encouraged to utilize both of these resources.

IMPLEMENTED: This is standard practice in all sexual misconduct cases, and measures are taken to be as fair as possible to all parties involved.

TASK FORCE RECOMMENDATION #28 - IMPLEMENTED
Under the direction of the Vice President for Student Affairs, the University should use the multidisciplinary teams currently in place – including representatives from SMUPD, Counseling and Psychiatric Services, the Dean of Student Life Office, the University Chaplain’s Office, Legal Affairs, Risk Management, and the Office of the Vice President for Student Affairs – to determine whether a respondent should be removed from campus, and whether any other temporary action should be taken to protect the complainant prior to a formal disciplinary hearing. SMU should extend accommodations for all reasonable requests for the complainant’s education, housing and wellbeing. The Student Code of Conduct clearly states the University’s right to take such action.

IMPLEMENTED: Representatives from the SMUPD, Counseling and Psychiatric Services, the Dean of Student Life Office, the University Chaplain’s Office, Legal Affairs, Risk Management, and the Office of the Vice President for Student Affairs have interacted as a multi-disciplinary team in matters involving temporary action to protect complainants.

TASK FORCE RECOMMENDATION #29 - IMPLEMENTED
The University should affirm in the sexual misconduct policy that the University may serve as the complainant in the student conduct process.
IMPLEMENTED: Section 5.1.2 of the Interim Title IX Harassment Policy defines “complainant” and includes in the definition that the complainant can be the University.

MARKETING AND COMMUNICATION RECOMMENDATIONS

TASK FORCE RECOMMENDATION #30 – IMPLEMENTED/IN PROGRESS
SMU should develop a comprehensive print and online publication that addresses sexual misconduct prevention and the availability of support resources. This publication should contain information about resources similar to that included in SMU’s Health and Safety website, http://smu.edu/liveresponsibly

IMPLEMENTED: The Live Responsibly website is regularly updated with information from the Task Force working group.

IMPLEMENTED: A comprehensive Live Responsibly brochure for students was mailed to all undergraduate students at the beginning of the Fall 2014 semester. This brochure was also emailed to all faculty, staff, undergraduates and graduates in a printable format, and is available to all members of the SMU community online on the LiveResponsibly, parents and Forum (faculty/staff) websites.

TASK FORCE RECOMMENDATION #31 – IMPLEMENTED/IN PROGRESS
SMU should develop an outreach/advertising/marketing team through the Health Education Office that coordinates social norming, manages web information, and reaches out to residence halls and other peer-focused programs. Materials about campus and community resources (such as SANE, DARCC, etc.) should be available in all residence halls as well as in campus libraries, the Health Center, the Dedman Center for Lifetime Sports, the Hughes-Trigg Student Center, and other areas of the campus frequented regularly by students. Such materials might include posters on each floor, in the restrooms and in elevators. Materials should also be posted that let victims of sexual misconduct know they are not alone and to encourage them to call Counseling and Psychiatric Services and other campus resources for support and information.

IMPLEMENTED: In fall 2013, several hundred laminated posters addressing "What to do in case of sexual assault" were distributed to residence halls, libraries, Greek houses, the student health and fitness centers, ALEC, and other campus buildings. The poster highlights campus and community resources and procedures in case of sexual assault. In summer 2014, an updated poster with Taos campus and community resources was distributed at SMU-in-Taos. For fall 2014, several hundred posters were provided to the Residential Commons and redistributed throughout campus. The poster also can be printed by SMU community members from this link:

IMPLEMENTED: In fall 2014, Live Responsibly brochures were printed and mailed to all undergraduates and emailed as a printable pdf to all students, faculty and staff. Printed brochures also were provided to offices that work with students and to Residence Commons faculty and staff leaders. The brochures contain comprehensive information on
sexual misconduct and substance abuse policies, prevention and resources. The email also contained information reminding faculty and staff of their role in helping students: http://smu.edu/smunews/liveresponsibly/faculty-staff-support.asp

IMPLEMENTED/IN PROGRESS: The Live Responsibly website is regularly updated with information from IAE and the working group, including an expanded section on SMU’s sexual misconduct policy. In 2014-15 Public Affairs plans to update and simplify the website’s design so that it corresponds with SMU’s updated web template.

IMPLEMENTED: Op-eds from the Vice President for Student Affairs and the Title IX Coordinator addressing sexual misconduct and Living Responsibly at SMU have been published in the Daily Campus during fall 2013, spring 2014 and fall 2014. These op-eds also are published on the SMU home page and remain posted on the LiveResponsibly website.

ACCOUNTABILITY RECOMMENDATIONS

TASK FORCE RECOMMENDATION #32 - IMPLEMENTED
SMU must do all that it can to ensure compliance with the requirements of Title IX and the Dear Colleague Letter. We recommend that the University mobilize its internal auditing department or another appropriate department to monitor Title IX compliance. In addition, the departments charged with administering the specific recommendations in this Task Force report should evaluate the status of implementation of the recommendations each year, and provide a progress report to the president or his designee.

IMPLEMENTED: The Office of Institutional Access and Equity is charged with overseeing the University’s compliance with all equal opportunity and affirmative action laws and regulations including Title IX. The Title IX Coordinator housed in the office receives appropriate training and stays abreast of the latest Title IX developments. Information and guidance are shared with appropriate departments as needed to ensure compliance across the University.

TASK FORCE RECOMMENDATION #33 – IMPLEMENTED
Establish regularly scheduled communication between University representatives and the District Attorney’s Office, local law enforcement agencies and local service providers.

IMPLEMENTED: Members of the University community, most specifically the SMUPD, Dean of Student Life’s Office, Women & LGBT Center and Institutional Access and Equity have maintained regular contact with the following agencies and service providers over the course of the last academic year: Dallas Area Rape Crisis Center (DARCC); District Attorney’s Office, Sexual Assault Nurse Examiner (SANE) unit; Dallas Police Department; University Park Police Department; Highland Park Department of Public Safety; Sexual Assault Response Team (SART); and the University Crossing Public Improvement District (PID).
EDUCATION AND TRAINING RECOMMENDATIONS

TASK FORCE RECOMMENDATION #34 - IMPLEMENTED
Student Leaders should encourage the student body to develop, adopt and disseminate a new SMU Value Statement.

The value statement has been created:

_I, as a citizen of the SMU Community, commit myself to upholding the values of intellectual integrity, academic honesty, personal responsibility and sincere regard and respect for all SMU students, faculty, and staff._

The Student Senate passed legislation to include the statement before each Senate meeting, Opening Convocation and graduation; this legislation has been adopted. The value statement is also included as a part of AARO and Mustang Corral, and will be displayed in all of the Residential Commons. The statement is included at the start of the Live Responsibly brochure, and has been highlighted in Daily Campus op-eds by University administrators.

There has been a great deal of momentum on disseminating the SMU Value Statement, but it is a work in progress. Most recently it was included in AARO and Mustang Corral.

TASK FORCE RECOMMENDATION #35 – IN PROGRESS
The University should request that the Residential Commons leadership (including staff, faculty-in-residence, and student leaders) develop a mandatory citizenship program for first-year students as a component of SMU’s new Residential Commons model. The citizenship program – whether a series of classes, seminars, or other experiences – would focus on the variety of factors involved in being a responsible member of the SMU community, including sexual misconduct issues. The program would be administered within individual Residential Commons to enhance the sense of community, but should be consistent across the various residences. All first-year members of the Residential Commons (including commuting students assigned to that RC) would be required to participate in the program. Second-year and upper-level students in the RC could help deliver the program, which may be investigated as a way to fulfill the University Curriculum Community Engagement requirement. We recommend that a pilot citizenship program be developed for implementation in Fall 2013.

IN PROGRESS: The Residential Commons (RC) opened in Fall 2014. Once the RCs are fully up and running, the RC leadership will begin to work in a more focused way on the development of a mandatory citizenship program. Each RC is assigned a Peer Dialogue Leader, a newly developed student position, to help the residents in each RC develop a respectful community within the RC. The discussion and activities organized by the Peer Dialogue Leader will form a great foundation for discussions of citizenship at SMU.
TASK FORCE RECOMMENDATION #36 – IN PROGRESS
All current sexual misconduct prevention education and training programs should be reviewed and evaluated with student leaders. Following that exercise, recommendations should be focused on how to improve them.

IN PROGRESS: Focus groups were held in the Fall 2013 semester with students to get a better sense of what current education and training programs were effective and how we might improve or enhance what is already offered. Feedback received indicates that students would like education and training to be ongoing (not just concentrated at the beginning of the academic year); that website content needs to be improved so that students are able to reference information independently; and that a more comprehensive campaign about University policies, processes, and resources related to sexual misconduct needs to take place.

TASK FORCE RECOMMENDATION #37 – IN PROGRESS
The training of student leaders should emphasize their importance as role models in fostering positive values for students and developing a culture where sexual misconduct is not tolerated.

IN PROGRESS: The focus groups held in the Fall 2013 semester solicited student feedback about how to create a culture where sexual misconduct is not tolerated. Training is already conducted with targeted student leaders (e.g. Resident Advisors). A group of student leaders also developed a “Not on my campus” campaign to educate about sexual misconduct and to begin developing a culture where sexual misconduct is not tolerated. Next steps include creating a more comprehensive listing of where training for student leaders currently takes place to ensure all student communities are touched.

TASK FORCE RECOMMENDATION #38 – IN PROGRESS
Definitions of consent, sexual misconduct, and sexual assault should be reviewed carefully with incoming students during orientation and in other training programs focused on sexual misconduct. SMU should continue its practice of a training program focused on these issues for all first-year students within the first week of classes each fall semester. This training should continue to take place every year, and similar training should occur for students of all academic standings. For upper-level students, this training could be mandatory for key student leadership groups including, and not limited to, the Student Senate, resident assistants, Orientation leaders, student athletes, any Greek organization seeking certification to house second-year students, and other student leadership groups. This training already has been implemented in the Mandatory Organization Meetings (MOM) for leaders of all student organizations in accordance with the Texas State law HB2639/SB1138.

IN PROGRESS: At the beginning of the Fall 2013 semester, all incoming students were required to attend a program titled Can I kiss you?: Dating, communication, respect, and sexual assault awareness. This or a similar program will continue to be offered at the beginning of each year. In addition, all first-year students were required to complete the
Campus Clarity program that addresses the topics of alcohol consumption and sexual misconduct. Students are also educated about these issues during AARO.

**TASK FORCE RECOMMENDATION #39 – IN PROGRESS**
SMU should initiate an upper-level student and faculty and staff mentorship program. SMU also should develop activities through the Residential Commons to foster respect for others that include a focus on sexual misconduct.

IN PROGRESS: The Department of Residence Life and Student Housing (RLSH) developed, along with SMU Health Educators from the Student Health Center, Peer Health Educator positions that are a part of the leadership team in each of SMU’s 11 Residential Commons. Each will be directly involved in the planning and delivery of programs and presentations, as well as special projects related to student health and wellness.

**TASK FORCE RECOMMENDATION #40 – PARTIALLY IMPLEMENTED/IN-PROGRESS**
SMU should develop a bystander intervention program similar to those at Duke and Yale universities.

In the spring semester of 2014, Lisa Joyner (Assistant Director of Health Education) and Ernie Jouriles (Professor and Chair of Psychology) and his team completed the development of a new SMU Bystander Intervention Program known as C.A.R.E. (Confident, Aware, Responsive, Effective). C.A.R.E. will help students understand what a bystander is, and ways they can intervene as bystanders when they see concerning situations involving others. Students will participate in the C.A.R.E. program through Wellness classes beginning in fall 2014.

**TASK FORCE RECOMMENDATION #41 PARTIALLY IMPLEMENTED/IN PROGRESS**
SMU should educate the parents of incoming students about its sexual misconduct policies and definitions.

IMPLEMENTED: A new section has been added to the Family Handbook titled “Sexual Misconduct Policies and Resources.” In addition, parent contact information for campus resources has been amended to better reflect resources both on and off campus in the event of sexual misconduct. Included in this new information for parents is the delineation between “Confidential” and “Non-Confidential” resources, as well as resources including Dallas Presbyterian Hospital’s SANE program, the Dallas Area Rape Crisis Center and the Office of Institutional Access and Equity/Title IX Coordinator.

The Family Handbook with a new tabbed section on Sexual Misconduct was distributed to families of first-year and transfer students during Summer 2013 and January 2014. The Family Handbook again was updated during Summer 2014 with information from the Office of Institutional Access and Equity and Student Affairs, including expanded information on SMU’s sexual misconduct policy. In addition to the printed Family Handbook, a pdf of the entire publication is posted on the Parents website.
IMPLEMENTED: LiveResponsibly resources are highlighted on the homepage of the Parents website.

IMPLEMENTED: A “Who Do You Call” information card (for easy carrying in a purse or wallet) was distributed during AARO and contains a micro DigiClean cleaning pad for smartphones and has the 24-hour SMU police telephone number imprinted on it. The cards list contact information for campus and community resources in case of sexual misconduct.

IMPLEMENTED: Another effort to educate parents about sexual misconduct occurs during Family Weekend, which provides an opportunity to distribute information to parents of upper-class students with a number of targeted efforts. Family Handbooks and “Who Do You Call” information cards were available to all parents and families during Family Weekend 2013.

IN PROGRESS: The Parents website publishes ongoing resources and information for parents, including the posting of the Live Responsibly student brochure and accompanying letter from President Turner in fall 2014. Also in fall 2014, CAPS will develop Helpful Hints for parents in talking to their sons and daughters should they be involved in an incident of sexual misconduct, modeled after a resource site at Purdue University.

IMPLEMENTED: During each of the AARO parent sessions, Dr. Cathy Soutter presented an overview of Title IX initiatives and the Dear Colleague Letter and explained procedures and resources available for students involved in incidents of sexual misconduct. Additional resources to educate parents/families about sexual misconduct policies, procedures and resources include: 1,400 first-year families received a calendar in August 2013 and again in August 2014 with resources and suggestions for empowering “first-year success,” including LiveResponsibly and sexual misconduct resource information; 1,400 first-year families received a transition letter and emergency contacts card in November 2013 (including the Title IX Coordinator and SMUPD). This will be repeated in November 2014.
APPENDIX A

Membership of the President’s Task Force on
Sexual Misconduct Policies and Procedures

Co-Chairs:

- Kelly Compton, Executive Director of the Hoglund Foundation and SMU Trustee
- Lori White, SMU Vice President for Student Affairs

Members:

- Jim Burnham, Attorney and Former Dallas County Assistant District Attorney
- Martin Camp, Assistant Dean for Student Affairs, SMU Dedman School of Law
- Karen Click, Director of the SMU Women’s Center
- Dennis Cordell, Associate Dean of General Education and Professor of History, SMU Dedman College of Humanities and Sciences
- Jeanne Tower Cox, Dallas Civic Leader, SMU Trustee and Parent
- Monique Holland, SMU Senior Associate Director of Athletics
- Anita Ingram, SMU Associate Vice President and Chief Risk Officer
- Monika Korra, SMU Student
- Ellyce Lindberg, Chief Prosecutor of Grand Jury/Intake, Office of Dallas County District Attorney
- Steve Logan, Senior Executive Director of SMU Residence Life and Student Housing
- Alex Mace, President of the SMU Student Body
- Courtney Underwood Newsome, Executive Director, the SANE Initiative
- Rick Shafer, SMU Chief of Police
- Rachany Thi Son, SMU Law Student
- Cathey Soutter, Director of SMU Counseling and Psychiatric Services
- Tom Tunks, SMU Professor and Former University Associate Provost
- Vanessa Uzoh, SMU Student and Residence Hall Assistant
- Beth Wilson, SMU Associate Vice President for Institutional Access and Equity and Executive Assistant to the SMU President

Task Force Staff Support:

- Troy Behrens, Assistant Vice President for Student Affairs
- Susan Howe, Associate University Counsel
- Paul Ward, Vice President for Legal Affairs
- Ashley Tull, Director of Assessment and Strategic Initiatives for Student Affairs