

WASHINGTON STATE

Council of Presidents

REPRESENTING WASHINGTON'S PUBLIC BACCALAUREATE INSTITUTIONS

Campus Sexual Violence Prevention Task Force Meeting #11
September 1, 2016
9:00 a.m. - 12:00 p.m.
Green River College – Kent Campus

Attendees:

Natalie Dolci, Coalition Ending Gender-Based Violence; Elissa Goss, Washington Student Association (WSA); Kim Anderson, Washington State University; Paul Francis and Darshan Robertson, Council of Presidents; Tricia Boerger and Bruce Marvin, Washington State Office of the Attorney General; Chelsea Lamberson, Eastern Washington University; Kelly Schrader, The Evergreen State College; Joe Holliday, Washington State Board for Community & Technical Colleges; Tom Fitzsimmons, Independent Colleges of Washington; Ruby Hayden, Lake Washington Institute of Technology; Lisa Rakoz, Washington State Office of Superintendent of Public Instruction; James Crandall, Senate Majority Coalition Caucus; Clint McCarthy, Senate Higher Education Committee; Trudes Tango, House Higher Education Committee; Jen Friedlander, Washington State Coalition of Sexual Assault Programs (WCSAP); Rachel Wellman and Jill Powell, Bellevue College; and Chair John Vinson, Washington Association of Sheriffs and Police Chiefs (WASPC).

Future Meeting Planning & Final Report Structure

The Task Force agreed to the following timeline proposed by COP in order to meet the various reporting deadlines in SB 5719 and SB 5518:

- A final Task Force meeting will be held in mid to late October to finalize recommendations.
- COP will write the draft report and disseminate it to Task Force members by November 7. Task Force members will provide feedback on that draft to COP by December 2.
- COP will create a final report and submit it to the legislature during the week of December 5.
- The Task Force will have a conference call to discuss next steps on or around December 9.

It was noted that this schedule will not preclude subcommittees from continuing to meet. This timeline, as well as subcommittee draft recommendations have been added to a Dropbox account, and may be accessed by Task Force members and the public. The public link for viewing is: <https://www.dropbox.com/sh/mbex7907ygfox03/AADbKVt5-LgtsTw8PiEiMeNTa?dl=0>

The report structure was discussed. COP suggested that the report be leaner than the [2015 Task Force report](#) and should focus primarily on recommendations. Report sections will include recommendations and associated costs; subcommittee summaries; what work has already been accomplished in this area; and a complete list of Task Force meeting speakers over the past 18 months.

A suggestion was made to include the costs of the efforts that are already in place, along with the costs of recommendations. The group agreed that only one report be produced - one that will encompass the requirements of both SB 5518 and 5719. The report will be written from a holistic standpoint, to demonstrate that prevention and response are inextricably linked; however, there will be a recommendation to separate the funding so that prevention efforts receive dedicated funds.

COP will send a Doodle poll to determine the date of the next meeting. The meeting will be three hours long and will be held at The Evergreen State College in Olympia.

Subcommittee Recommendations

Campus Climate Assessment – It was noted that institutions are in various stages of completion of assessments, which limits the recommendations that can be made. The subcommittee recognizes the importance of the survey and agrees that it should be done, although not necessarily on an annual basis. The group also agreed that resources and research expertise will be needed in order to obtain meaningful results from the surveys. Kelly will write a paragraph to include in the campus climate section linking back to the prevention and special population sections regarding how the surveys could be better customized to reach more students. Joe mentioned that the two-year colleges might be better served if they handled the surveys themselves, rather than the SBCTC (as directed in legislation), which students may be wary of as a state agency. This would allow colleges to customize their surveys, and use them for their own prevention efforts.

There was a discussion about the expense of customizing the surveys and about how often the surveys should occur. Kelly pointed out that surveys don't equal assessments and suggested that surveys be conducted every two or three years, which would allow time to process the results in a meaningful way. In the interim, schools could conduct focus and listening groups, individual interviews, and collect qualitative information.

Elissa of WSA reported receiving feedback from students about the surveys. Some students reported that the questions were triggering, and some wanted to know where the information was going. She agreed that surveys every other year would allow more time for meaningful action. It was noted that WWU's surveys listed resources for respondents in the event they found the questions triggering.

Paul suggested that COP produce a report every 2-3 years to summarize college and university efforts around assessment and to remind policy makers this work is ongoing.

Student Conduct – Public institutions in Washington must comply with the Administrative Procedures Act (APA), a law that provides for due process in agency actions toward

individuals. There are conflicts between the APA and conduct processes at our institutions. The group presented four possible recommendations:

1. Create a model code for all public higher education student conduct processes;
2. Propose to amend the APA itself. This would permit institutions to develop regulations based on best practices for higher education institutions and consistent with federal law;
3. Exempting institutions of higher education institutions from the APA and creating a higher education APA with high level standards relating to the process; or
4. Exempting institutions of higher education institutions from the APA and allowing each state institution to develop their own set of administrative procedures for student conduct matters.

Option #1 will likely not be recommended because each institution has its own unique culture and resources, and a “one size fits all” code will not work.

Option #2 will also not likely be recommended. The broad language of the APA is designed to cover every agency action, which makes it difficult to apply to higher education issues, particularly when two people are involved.

Option #3 was discussed. If this option is recommended it will be proactive, rather than just a list of items to remove from the APA. It will address things that are not legislated in our state, but that would be consistent with federal law, including the participation of attorneys and preponderance of evidence standards. The group is looking at recommendations from groups like the Association of Student Conduct Administrators.

Option #4 was discussed. Currently, schools’ employment matters are excluded, so a precedent already exists for exemptions.

The subcommittee will continue to analyze the pros and cons of each option, and will present one recommendation to the Task Force once a consensus has been reached.

There was a discussion about how disciplinary action information might be exchanged between schools. Notification may include a transcript notation or sending a letter to the school to which a student may be transferring. The subcommittee will recommend that institutions be advised of this option, so they may consider creating procedures to execute such communication.

The consequences of a school not following the APA were discussed, including the risk of having adjudication overturned or the possibility of a civil rights complaint. It was noted that the APA can be interpreted differently by different institutions and by different courts. It was suggested that the report include language explaining that the APA is not currently having the effect of standardization in matters of higher education.

Prevention – The recommendations focus on providing state funding for sexual violence prevention education and evaluating those prevention programs. The draft includes background information from the National Sexual Violence Resource Center’s prevention

assessment, which outlines the funding and staffing levels necessary to support adequate prevention. The recommendations are:

1. To provide funding for prevention education and evaluate prevention programs. The subcommittee has not yet decided how the funding request will look, but are considering dollars per FTE, dollars per institution, or dollars in a fund for innovation that institutions apply for. Dartmouth College uses a fund for innovation for their substance abuse program and has reported success with the model.
2. To create an interdisciplinary work group to examine primary prevention in K-12. This group will develop comprehensive developmentally appropriate prevention education for Washington students and will take a holistic approach at educating students from the time they enter our public schools until they graduate from college. A cohort model training will be used over 2-4 years. Ideally the team would include someone at the vice presidential level or above (decision maker) so recommendations can be implemented quickly.

There was a discussion around existing interdisciplinary workgroups on campuses. Evergreen has a sexual misconduct response team, but Kelly explained the cohort would be smaller and more prevention focused. WWU's group, which includes a student conduct officer, physician, advocate, head of prevention and wellness, Title IX officer, law enforcement, and director of counseling, works to inform the processes and program development together. There were suggestions to consider recommendations around college and community partnerships and to look for opportunities for involvement by student leaders.

There was a discussion about the need for collaboration with K-12. Lisa explained the [Health and Physical education learning standards](#) that were adopted by OSPI in March of this year. Two of the standards are prevention related: safety education and sexual health education. Safety education, which includes violence prevention, is taught in grade six. By the end of the year, students should be able to resolve conflict to prevent, reduce and avoid violence. There is also a standard which addresses electronic media and includes topics such as sexting and Facebook posts. Sexual health, which includes topics on healthy relationships, is taught in grade eight. By the end of the year, students should be able to define sexual consent and how consent can be communicated and accepted. This topic also covers Washington state laws, and teaches students how to identify state laws related to sexual offenses including when a minor is involved. These standards were created by a committee formed to perform a regular evaluation of OSPI standards. The committee was comprised of K-12 teachers who are content experts in these areas, as well as OSPI leadership and external partners.

There was a discussion about sexual health teachers in K-12. Local control dictates who teaches sexual health in K-12. Some teachers in smaller districts teach multiple content areas, and some districts have dedicated health teachers. It was noted that Master in Teaching (MIT) programs should ensure that teachers are competent to teach sexual health.

Advocate Confidentiality – The subcommittee recommends that the legislature amend RCW 28B to clarify the law so that higher education institutions can comply with the requirement to provide confidential resources.

Criminal Justice System Workgroup – the subcommittee’s five recommendations are:

1. Make relevant training more available for police, prosecutors, and judicial officers;
2. Promote regional communication through the expanded and robust use of Sexual Assault Regional Teams (SARTs);
3. Explore expansion of the innovative You Have Options Program;
4. Promote Offender-Focused and Victim-Centered Prosecution;
5. Educate juries through the use of local expertise.

The **Special Populations subcommittee** is still working on their recommendations and will submit their draft to COP as soon as possible.

White Boarding Session

It was agreed that the report will differentiate items that will be included in a bill from funding requests for other recommendations.

Campus Climate Assessment – There was a discussion to clarify Campus Climate Assessment recommendations. It was decided that survey costs will be included, and the subcommittee will obtain those costs from the institutions. WSA requested that there be a student review of the surveys and focus groups as they are developed. It was noted that the student input should be built into the survey development costs.

The sexual violence campus climate report, which was suggested earlier in the meeting, was discussed. The group agreed that this report should be included in a bill, and will be produced every three years by COP. It will include all efforts in the area of assessment, not just survey results.

Advocate Confidentiality – Their final recommendation is purely legislative. The Task Force had no additions or changes.

Student Conduct – The group’s recommendation will likely be to either create a higher education APA or to exempt higher education from the APA. There was a discussion about what other states are doing or are required to do.

Prevention – The Task Force discussed about the suggestion that prevention education evaluation will be assessed by campuses. A question was posed about the effectiveness of an institution evaluating its own programs, but without funding, there are limited options for outside evaluation. The recommendation of a k-20 task force on prevention education will be included in a bill.

Criminal Justice – It was suggested that we sponsor a You Have Options “train the trainer” session here to include community and law enforcement leaders.

Special Populations – This subcommittee was formed late in the year and will only be able to make broad recommendations by the report deadline. They will recommend that this work be continued by a future work group so that more nuanced recommendations can be made.

MOU – Bruce has been contacted by council for municipalities around the state who have concerns about entering into an MOU with higher education institutions for reasons related to liability. There are also concerns about the confidentiality requirements because law enforcement and higher education institutions operate under different rules. There was a discussion about the larger issues around relationships between law enforcement and campus security/police. Chief Vinson will arrange a call with Joe and Bruce to discuss how to address these issues in the final report.

Statewide Media Campaign

COP will draft this section for the report to satisfy the requirement of SB 5518. The group agreed it would be best to suggest strategies and ideas, and to suggest the appropriate personnel, but to also point out that funding will be needed to carry out a campaign. It was also mentioned that the campuses are still working on their own awareness campaigns, so a statewide campaign may be premature until we can learn best practices from our campuses.

Public Comment

A caller who chose to remain anonymous suggested that audio or video recordings of Task Force meetings be placed online. COP responded that comprehensive notes are provided online after every meeting and that the Task Force doesn't have funding or resources to provide an audio or video record of the meetings.