

Confronting Campus Sexual Assault: An Examination of Higher Education Claims

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UE's Sexual Violence Resources

EduRiskSolutions.org/TitleIX

The screenshot displays the EduRisk website interface. At the top, the logo for EduRisk (By United Educators) is on the left, and navigation links for ASSESS RISK, TRAINING TOOLS, and BLOGS are in the center. A search bar and a Login button are on the right. Below the header is a dark navigation bar with 'BROWSE RESOURCES' and categories: Administration, Crisis Management, Employment, Facilities & Public Safety, and Student Affairs. The main content area features a large banner image of four students walking on a campus path. Overlaid on the banner is the text 'Title IX and Campus SaVE Act Resources'. Below the banner, there is a section titled 'Title IX and Beyond Series' with a list of links: 'FAQs on Federal Laws and Guidance', 'Title IX Coordinator Roles and Responsibilities Regarding Campus Sexual Violence', 'Revising Nondiscrimination Policies and Grievance Procedures', 'Federal Training Requirements for Employees', 'Federal Training Requirements for Students', and 'Investigations'. To the right of this list is a thumbnail image of a document titled 'TITLE IX AND BEYOND FAQs on Federal Laws and Guidance Regarding Campus Sexual Violence'.

Road Map

- Campus culture
 - Alcohol and consent
 - Athletes and fraternities
- Institutional response to reports
- Outcomes, sanctions, and litigation against institutions



Definitions in UE study

- ***Claim*** means “a demand for damages as well as an event that could potentially give rise to legal action.”
- ***Sexual Assault*** refers to “a range of conduct, including sexual coercion, nonconsensual sexual touching (i.e., fondling and kissing), and nonconsensual sexual intercourse, including vaginal, oral, or anal penetration.”

Campus Culture: Alcohol and Consent



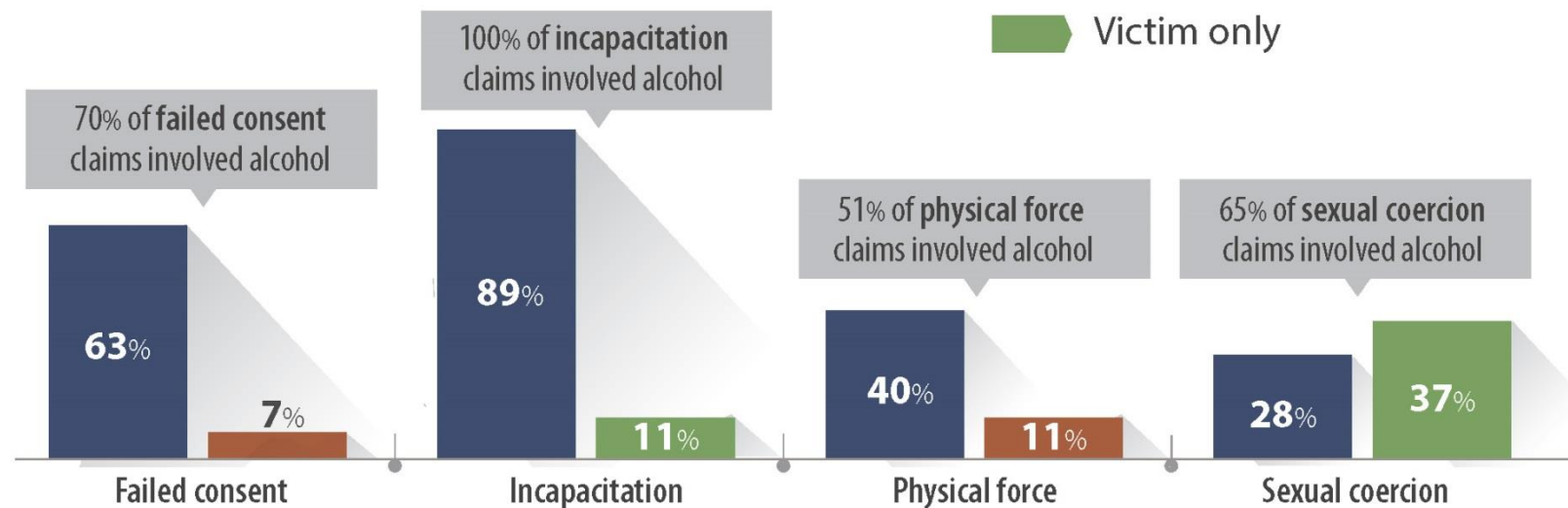
Alcohol and Consent

Figure 7

Alcohol Consumption

By Method of Sexual Assault

- Both parties were drinking
- Perpetrator only
- Victim only



Policy Recommendations for Addressing Consent

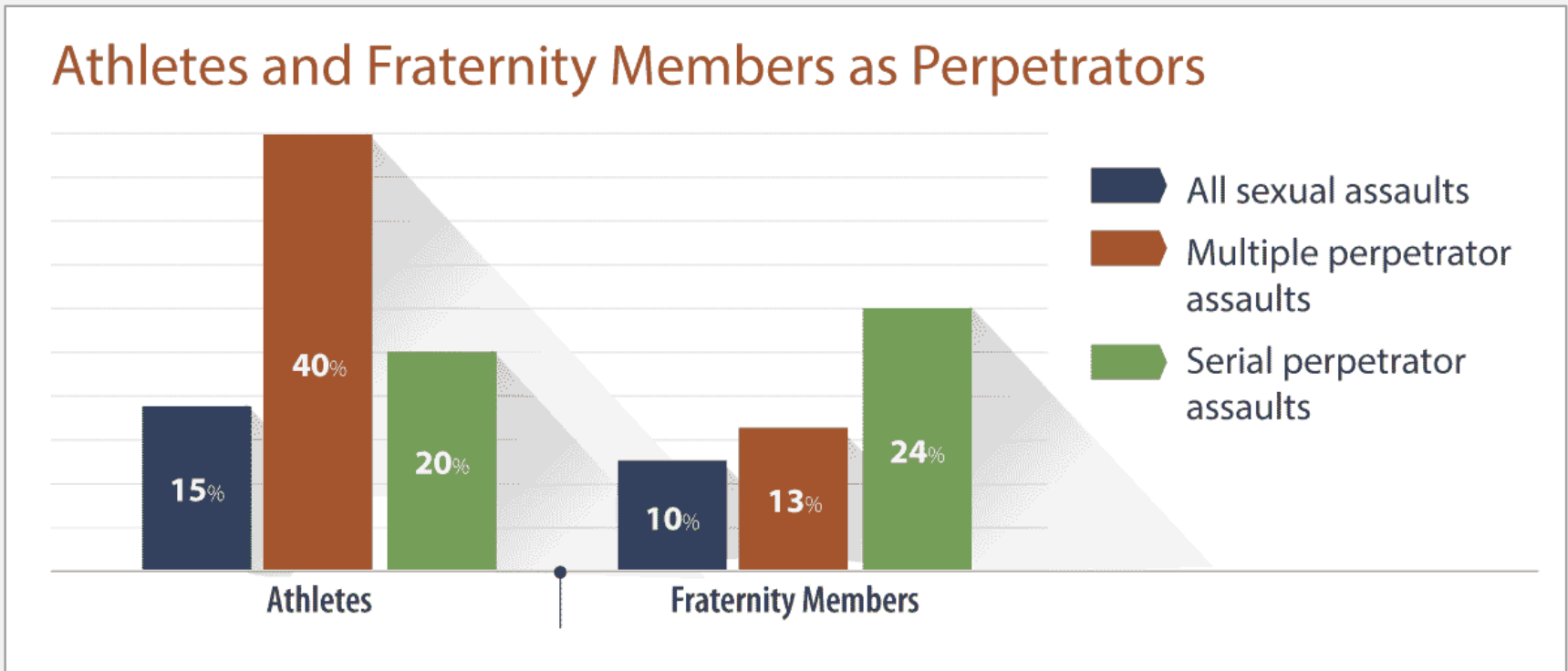
- Define “consent”
 - Both words and actions
- Define “incapacitation”
 - Not the same as just consuming alcohol
- State that consent to one activity is not consent to others
- Consent can always be withdrawn

Recommended Prevention Strategies

- Invest the necessary resources
- Effective training usually requires discussion led by highly trained staff/students
- Research shows impairment by alcohol/drugs increases risk of one party ignoring/misinterpreting cues
- Stress both:
 - Increased risk for perpetration
 - Increased vulnerability to many kinds of danger (including sexual assault)



Campus Culture



Changing the Culture of Campus Groups

- Comprehensive review
- Ongoing and specialized training
- Appropriate sanctions
- Revise policies and practices



Changing the Culture of Campus Groups

- Handling Greek organizations?

Questions and Answers

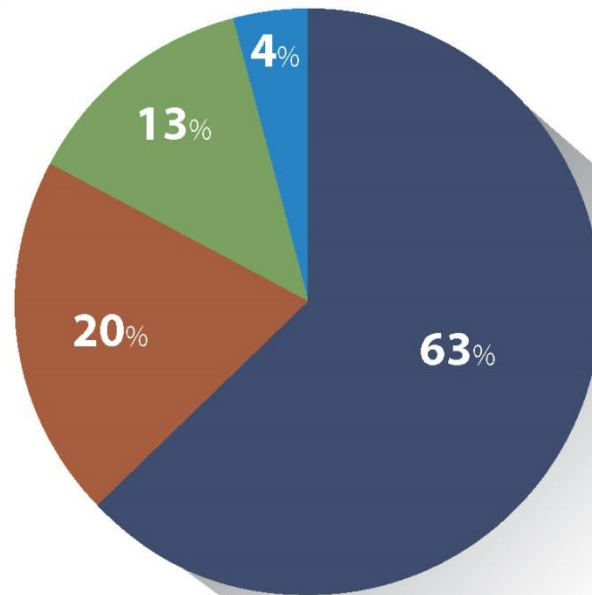


Institutional Response

Figure 9

Reasons for No Investigation or Adjudication

- Uncooperative victim
- Unable to identify perpetrator
- Perpetrator withdrew
- Relied on police investigation



What if victim wants no investigation?

- Advise that it may impair ability to respond
- Stress prohibition on retaliation
- Limit disclosures and apprise on progress
- Consider alternative remedial measures
- Respect request where possible—but explain school's larger duties may require overriding it
- Confirm receipt of request, but leave door open

Delayed reporting

40%

**of Victims
Delayed Reporting**

Average Delay: 11.3 Months



Communicating with Victims

- Assure them of equitable treatment, but be honest about limitations of adjudication process
- Promise (and deliver) regular updates
- Give choices
- Be transparent
- Check in frequently



Interim Measures

- Determine on case by case basis
- Advise about Title IX rights and support services
- Consider separating victims and perpetrators (e.g., in classes, residence halls, etc.)
- Severity of interim measures can be increased later
- Try to obtain victim's consent to interim measures
- Balanced approach is critical



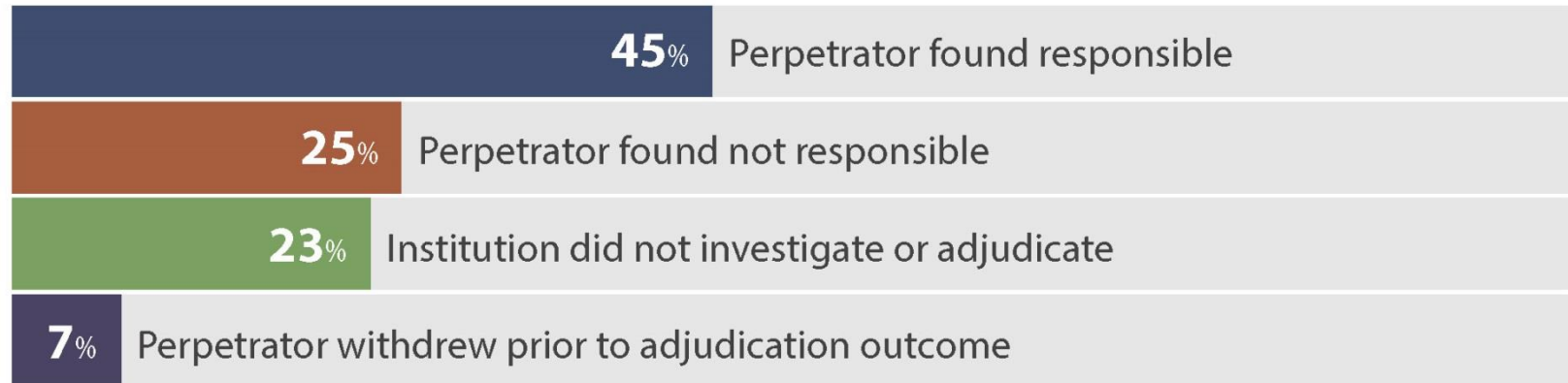
Questions and Answers



Outcomes

Figure 8

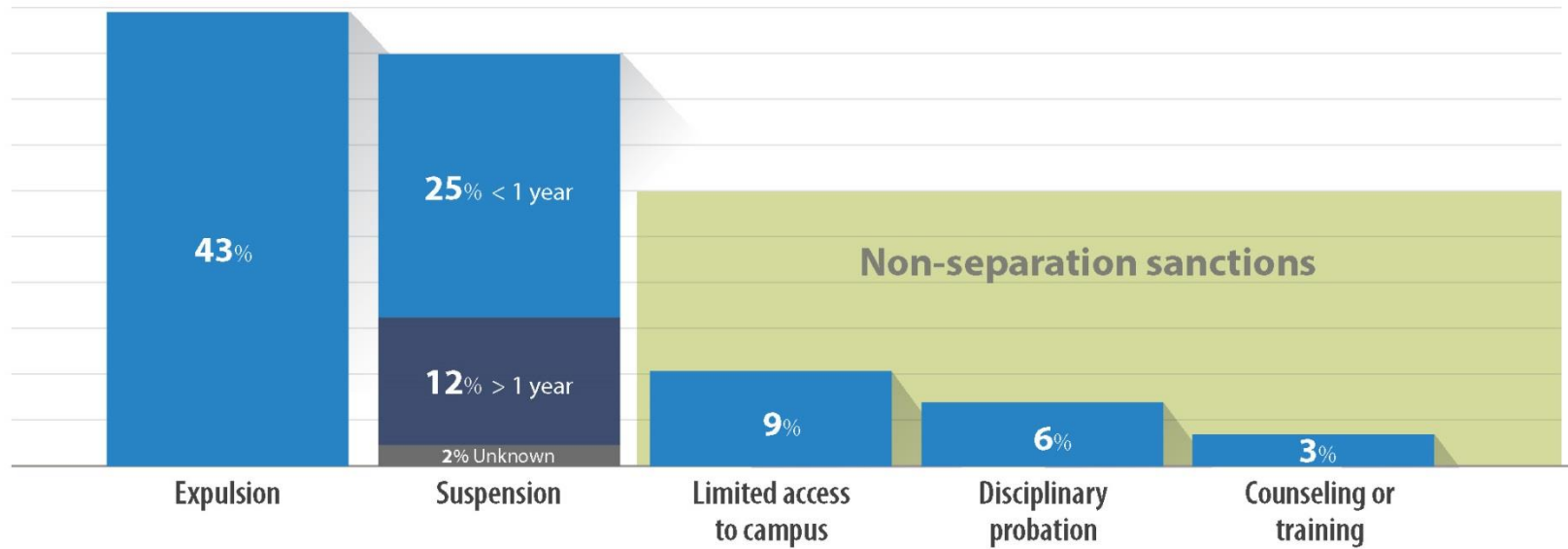
Outcomes After Institution Received Sexual Assault Report



Sanctions Imposed

Figure 10

Sanctions



What to consider in sanctioning?

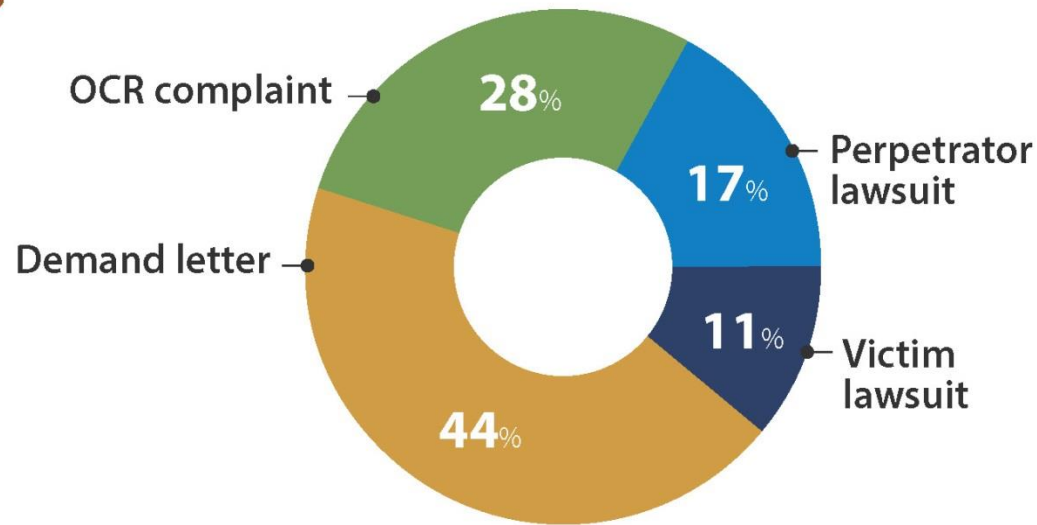
- Focus on conduct for which perpetrator was found responsible
- Institutional consistency—not individual character—is key
- Document rationale for sanction
- Prepare to stand behind the decision
- If victim's views are solicited, be clear about how information will be used in sanctioning



Litigation Against Institutions

Figure 14

Litigation* Against Educational Institutions



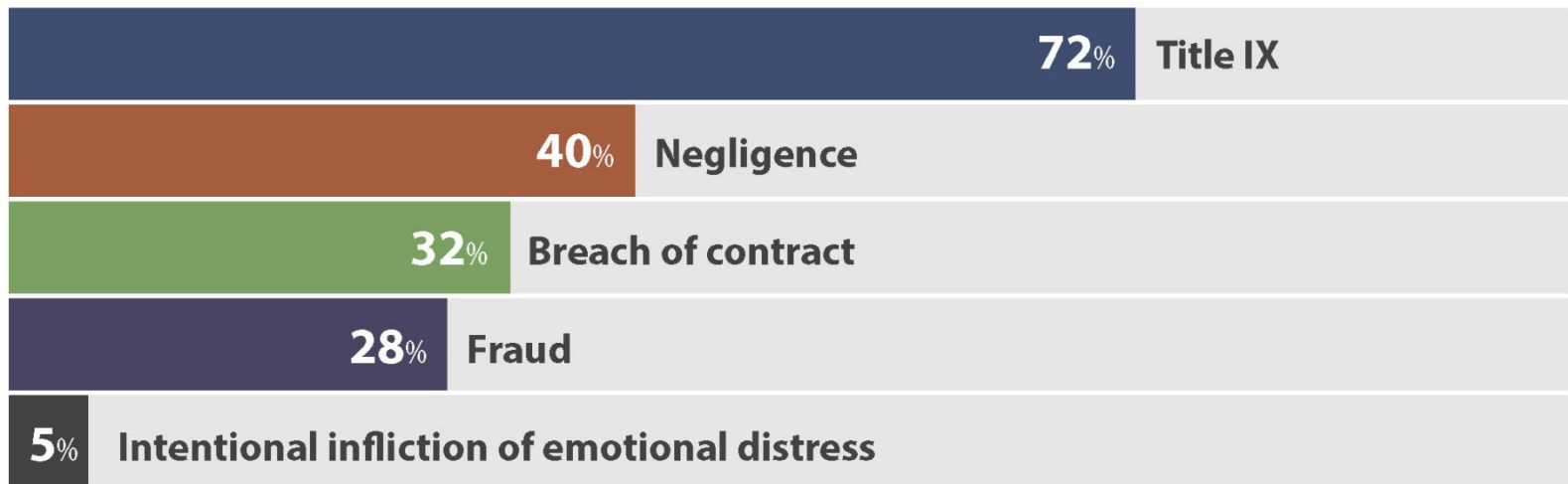
* The term "litigation" in this study refers to lawsuits, complaints filed with OCR, and demand letters from claimants that may never result in a lawsuit or OCR complaint.



Most Common Victim Allegations in Litigation

Figure 15

Victim Allegations



The complainant often makes multiple allegations against the institution.



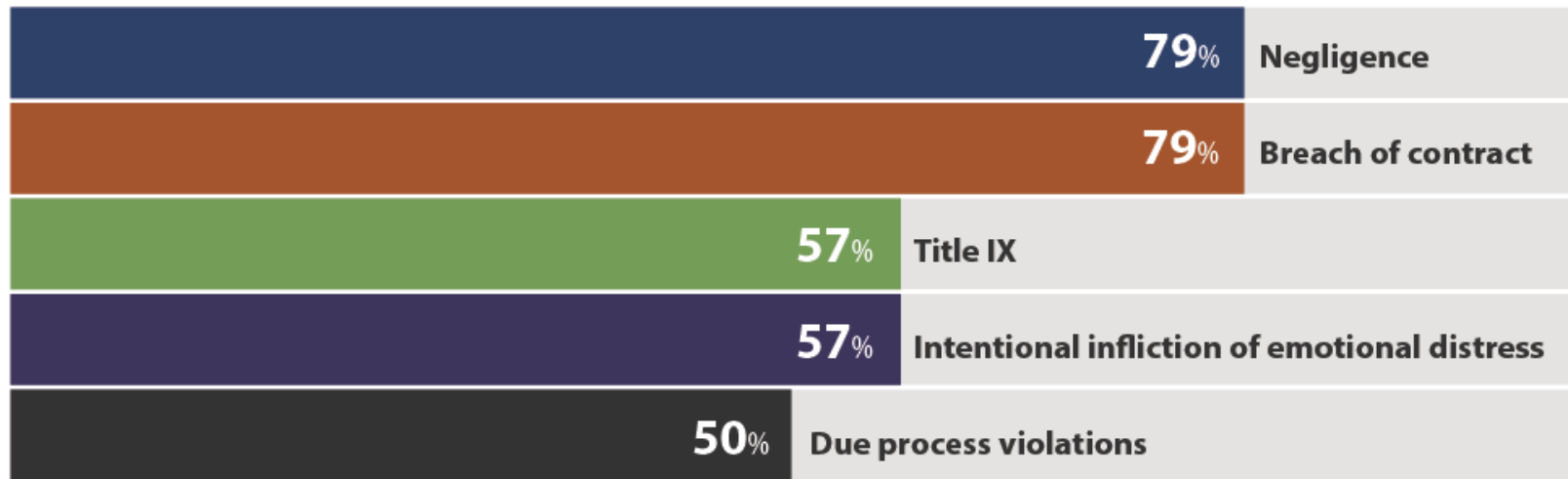
Clarity on Reporting and Confidential Resources

- School's policies must make clear:
 - How and where to report assaults
 - Where to receive separate confidential support/advice
- School must train individuals likely to receive reports

Most Common Perpetrator Allegations in Litigation

Figure 16

Perpetrator Allegations



The perpetrator often makes multiple allegations against the institution.



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Questions and Answers

