

American University – Office of Campus Life
Action Items Related to Alumni Petition
April 19, 2016

1. Sixty day time limit for case resolution

Sixty days is AU's standard for resolving Title IX cases

- If all parties to a case are able to be present, a hearing may be held during spring and summer breaks, when the university is open. All parties to a case include the complainant, the respondent and the witnesses for each party.
- Once all parties to a case have completed their exams, a hearing may be held during the remaining exam period, if all parties can be available.
- Hearings will not be held while the University is closed for Winter Break
- We will look at appropriate uses of Skype technology to facilitate achieving timely hearings, but note the unreliable performance of that technology to date and its limitations in communicating a person's testimony and responses to questions, in contrast to in-person participation.

2. Sanctioning guidelines – disciplinary probation

“Disciplinary Probation” is defined in the Student Conduct Code: *status assigned for a designated period of time, during which any other violation of the Code may result in removal from university housing, suspension, or dismissal from the university. Students on disciplinary probation may not hold or run for any elected or appointed positions. Additional conditions appropriate to the violation may be imposed.*

Current practice:

- Students on disciplinary probation may participate in campus activities and be members of organizations, insofar as this activity does not violate any barring of contact.
- Division I student athletes placed on disciplinary probation are not permitted to represent the university in competition during their probationary period and will not be able to recover the eligibility lost during their period of disciplinary probation; they will retain their scholarship support. At their coach's discretion, student athletes are able to practice with their teams and sit on the bench in street clothes during competitions.
- The definition will be augmented with examples of appointed positions that will include, but not be limited to “resident assistants and orientation leaders” and elected positions in “Student Government and recognized clubs and organizations, including fraternities and sororities.” We will also make explicit that students on disciplinary probation may not study abroad in an AU sponsored program or participate in fraternity or sorority membership recruitment.

3. Survivor input into sanctioning

It is current practice for a hearing panel to take into consideration a complainant's recommendations for sanctioning a respondent - in addition to: the respondent's past

disciplinary record, severity of injury or harm done to the complainant, and significant mitigating or aggravating factors.

- The Dean of Students will add to the outcome letter received by the respondent and the complainant an explanation of the factors that influenced the selection of sanction(s). This is to add to the recipients' understanding of the case outcome.

4. Minimum of two hours of training on sexual assault response techniques.

Current training for panel members is six (6) hours and includes:

- Two hours of online training and four hours of in-person training specifically related to issues of adjudicating sexual assault and other Title IX related cases.
 - Four hours of general training to complement the Title IX-focused content.

 - Under development for Fall 2016, is an enhanced eight hour in-person training for Title IX related cases and eight hours of general training.
 - AU uses training materials developed by NCHERM and ATIXA.
- AU will continue to consult organizations that focus on serving survivors of sexual violence as it develops its training curriculum for Student Conduct hearing panel members.

5. Confidentiality Agreement

To ensure the prompt, fair, and impartial resolution of Title IX cases, the Student Conduct Code assures complainants/complaining witnesses and respondents "confidentiality according to the terms of the university policy on Confidentiality of Student Records."

- A revised Confidentiality Policy has been successfully piloted which makes clear that it "is not intended to imply or impose restrictions in the following situations:
 - (1) Sharing one's own experience of the incident that led to the Student Conduct complaint;
 - (2) Sharing information relevant to receiving counseling, medical, legal or similar types of support services;
 - (3) Preparing for a case or an appeal to a case outcome;
 - (4) Exercising rights granted to parties under a particular university policy or the law."
- The policy will be incorporated into the 2016-2017 Student Conduct Code.
- The policy will be reviewed at pre-hearing conferences, read at hearings, and presented in writing to witnesses. It will not require signature.

6. Evidence maintained appropriately and confidentially until the statute of limitations expires for a civil or criminal trial.

Current practice meets this standard:

- Student Conduct records are maintained for a minimum period of seven (7) years.

- Case records involving suspension or dismissal from the university are maintained indefinitely, and permanent notations of suspension or dismissal for disciplinary reasons are placed on students' transcripts.
- AU's record retention policy is within the statute of limitations for civil cases and most criminal sex offenses in the District of Columbia.

7. Make public all rulings where an assailant is found responsible for sexual assault.

Current practice:

- Federal law prohibits the university from providing the details of case outcomes in Title IX cases to anyone other than the respondent and complainant.

8. Publish annually the number of sexual assault cases dismissed before hearing; number of defendants found not responsible.

Current practice:

- No case is "dismissed before hearing." All cases are investigated, and the outcome of investigations is shared with complainants. The decision to bring Student Conduct charges is made by the complainant.
 - AU makes public annual, aggregate data on Title IX complaints, by type of misconduct.
 - AU has not made annual, aggregate data on Title IX conduct cases available because the case numbers are too small to protect the privacy of complainants.
- We will look for alternatives for reporting aggregated Title IX case outcomes that do not compromise complainants' privacy.

Postscript

In addition to the items in the alumni petition, we discussed strategies for communicating with the campus and alumni communities more effectively about AU's Title IX related work, including annual data on conduct cases.

Over the summer, we will explore forms of communication that are more visual, interactive and dynamic. In addition to the open forums we host several times a year to address sexual assault prevention and complaint management, we'll reach out to student organizations to offer to make presentations at their meetings, opening opportunities to reach a broader range of students.