

November 4, 2019

University of Illinois System Task Force on Sexual Misconduct Prevention & Response Recommendations

On October 29, 2018, President Killeen charged a System-wide Task Force to examine our respective and collective efforts regarding education, prevention and response to sexual harassment, sexual assault, and other categories of sexual misconduct. The Task Force is chaired by Executive Vice President Wilson, consists of faculty, staff and students from all three universities, and is assisted by staff in the system offices. The full team met 10 times over the last 11 months and smaller groups met too. During the course of our work, we: a) have conducted an extensive review of the research on education and training related to sexual misconduct; b) are examining current policies and practices related to sexual misconduct across our three universities and system offices (in progress); c) are working with an outside law firm to benchmark and evaluate these policies and practices (ongoing); and d) have consulted with stakeholder groups across the system. Simultaneously, we have been in close contact with two UIUC committees charged by Provost Cangellaris: the Committee on Faculty Sexual Misconduct and the Committee on Consensual Faculty-Student Relations. Our goal is to ensure that our efforts, which are broader in nature and focused on education and training as well as system-wide policies, are coordinated with their efforts, which primarily focused on policies and procedures involving faculty sexual misconduct. Given the complexities of combatting sexual misconduct, these two sets of efforts should be mutually supportive and we believe they are.

At our very first meeting and throughout the course of our work, the Task Force emphasized that our **overarching goal is to establish and reinforce a culture** that allows all members of our university communities to learn, study, explore, and work in spaces that are free from sexual misconduct. That culture change requires **far more than a modification of policies and punishments**. The focus must be on educating and training our faculty, staff and students so as to foster a sense of collective responsibility for creating, nurturing, and protecting healthy work and educational environments across our units. Not surprising, then, many of our recommendations focus on changing the culture. However, we also recognize that we must have clear and transparent policies and processes that are consistent with the law and with our values, allowing us to deal swiftly and effectively with incidents of sexual misconduct, and to promote a climate where sexual misconduct is not tolerated.

Below is an initial set of recommendations across seven topical areas: 1) institutional values, 2) policy changes, 3) employment practices, 4) education and training, 5) investigations of misconduct, 6) evaluation of impact, and 7) organizational structure to foster implementation. We have spent considerable time **vetting and refining these recommendations with various stakeholders**, including the University Senates Conference, the two committees at Urbana, our own University Counsel as well as the outside law firm, and the chancellors and provosts of our three universities. All of these groups have endorsed our recommendations.

Institutional Values

1. Establish a **system-wide set of Guiding Principles** that articulates and reinforces values related to sexual misconduct prevention, intervention, and response/support.
2. Inaugurate a **public commitment to the Guiding Principles from leadership** at all three universities and the system offices.
3. Engage all faculty, staff, and students in adopting a **proactive and participative approach to fostering a system-wide culture** of respect and healthy relationships (i.e., cultivate organizational change).

Policy Changes

1. Adopt a **system-wide set of definitions** for **various forms of sexual misconduct** (e.g., sexual assault, sexual harassment, dating violence) that are **legally compliant** and **aligned with the university's principles and values**. The work by Urbana's Committee on Faculty Sexual Misconduct should be given consideration as these definitions are developed.
2. Each university and the system offices **should review and update their sexual misconduct policies** to ensure they are consistent with the system-wide definitions, are robust and enforceable, and allow for early intervention and progressive responses to complaints of sexual misconduct, up to and including dismissal.
3. Institute a system-wide policy that **prohibits faculty members from engaging in sexual or amorous relationships with:**
 - **any undergraduate students** at our universities;
 - **any graduate/professional student in the same academic unit or department** as the faculty member or for whom a faculty member serves on the student's thesis/dissertation committee; and
 - **any other student** at the university over whom the faculty member has or may be reasonably expected to have any supervisory or evaluative authority.¹
4. Institute a system-wide policy that **prohibits any staff member in a role of academic, extracurricular, or workplace authority** over a student **from engaging in a sexual or amorous relationship** with that student.
5. Ensure that there is a system-wide policy that **no university employee should make or influence any employment or evaluation-related decisions for another university employee** with whom the employee has a sexual or

¹ "Supervisory or evaluative authority" should be broadly defined to include any power to control or influence a student's employment, academic advancement, or extracurricular participation, including but not limited to hiring, work conditions, compensation, promotion, discipline, admission, grades, assignments, supervision of thesis/dissertation or research, recommendations, and financial support.

- amorous relationship. There should be procedures for disclosing certain relationships that are permitted in order to prevent and/or manage conflicts of interest.
6. All policies regarding sexual misconduct as well as prohibited and nonprohibited relationships need to be **transparent, widely publicized, and accessible** for all populations.
 7. Each university and the system offices should develop a **process for assessing compliance with the policies on prohibited sexual or amorous relationships** and for **managing any non-prohibited amorous or sexual relationships** that may pose conflicts of interest or other risks. Any person who violates university policies relating to prohibited sexual or amorous relationships should be subject to **appropriate restorative and/or disciplinary action** in accordance with established university policies and procedures, which include shared governance processes as well as collective bargaining agreements.

Employment Practices

1. Adopt a system-wide policy that requires all candidates in employment searches to allow the **release of any findings of sexual misconduct or harassment from current or previous employer(s), should they become a finalist in a search**. Failure to provide such a release will render the application incomplete and it will not receive further consideration.
2. Establish a process so that the three universities and system offices can **share findings of employee misconduct**, on a limited, need-to-know basis, within and across these units when employees are considered for promotions or new professional opportunities.
3. Adopt a system-wide policy for separation, resignation, and/or settlement agreements that generally **prohibits the inclusion of confidentiality or non-disclosure provisions that would limit the release of findings of sexual misconduct** [except as necessary for the benefit of the victim of harassment as provided by Section 1-30 of the Workplace Transparency Act, P.A. 101-0221].
4. Each university and the system offices should review processes for promotion, tenure review, and related forms of employee advancement to ensure that **findings of misconduct are considered in employment advancements**.

Education and Training

1. Employee training should continue to be **mandatory at time of hiring and annual thereafter**, introducing new and relevant information over time.
2. Training should be heavily **focused on prevention and culture**, as well as on compliance, and should clearly indicate the relationship between building a culture that is free from sexual misconduct and the institution's larger missions.

3. Employee training should include how to **effectively intervene** when acts of sexual misconduct occur and how to **effectively support** someone when acts of sexual misconduct are disclosed.
4. Each university and the system offices should develop and provide **customized training/educational opportunities for departments/units** as requested or needed.
5. Faculty should be provided with opportunities for **teaching about healthy relationships** and **about sexual misconduct** in relevant courses.
6. Student education and training should:
 - Include opportunities for **active learning** (e.g., role play, group discussions) **both inside and outside of the classroom**;
 - Target **social norms that often foster unhealthy relationships**;
 - Be comprehensive and **multimodal**, including both face-to-face and online opportunities;
 - Be **continuous and developmental**, and sufficiently intensive in order to produce change;
 - Consider the **influence of alcohol and drugs** (legal and illegal) as a particular context of risk for sexual misconduct;
 - Pay particular attention to **influential leaders** (e.g., peer leaders, Greek chapter leaders, coaches, team captains) to shift social norms;
 - Focus on strategies for **how to communicate in relationships** and how to **avoid unhealthy/abusive relationships**;
 - Focus on **high-risk groups** and utilize influencers within those groups; and
 - Consider ideal **group composition** (e.g., single gender) for training.
7. Each university should continue to provide **survivor centered and trauma-informed programming** for individuals who may be re-traumatized by required training.
8. Education and training should be **consistent with the empirical research** regarding what is most effective and should adapt accordingly as new evidence emerges. [See Appendix A for overview of current research evidence.]

Investigations of Misconduct

1. The **role and responsibilities of the Title IX officer** at each university should be clearly articulated and well publicized.
2. The three universities should have a **sufficient number of investigators** who are **continuously trained in up-to-date trauma-informed investigative practices**.
3. Investigative processes at each university should **address the safety, well-being, and privacy concerns of the complainant** and should have clearly articulated policies regarding confidentiality and the conditions under which cases will proceed.
4. Investigative processes at each university should be **fair, unbiased, expeditious**, in accord with **principles of due process**, and otherwise **legally compliant**.
5. Each university and the system offices should implement practices that provide for **timely updates to complainants and respondents**, including outlining the investigation timeline and updates regarding any changes to policies or procedures.

6. Each university and the system offices should ensure that students, staff, and faculty involved in investigative processes have **access to trained support personnel**, including confidential advisors.
7. Guidelines should be developed to **authorize disclosure of de-identified information about all completed investigations**. This disclosure should be done with explicit attention to the privacy, safety, and well-being of complainants.
8. Each university should store data on its investigations in manners that will make it easy to **produce regular, de-identified information about its responses to sexual misconduct** in terms that are easy for the university communities and public to understand.
9. Each university and the system offices should implement procedures for determining appropriate **interim actions during investigations** (including placement of employees on administrative leave) as well as **remedial measures and progressive discipline, up to and including dismissal**, following investigations.

Evaluation of Impact

1. Each university and the system offices need to engage in **ongoing evaluation research to assess impact of its training and education** programs, and to refine these programs over time to best promote the Guiding Principles.
2. Each university needs to engage in **ongoing assessment of the nature and types of incidents** as well as **investigative processes**. Regular review and **adjustment of policies, procedures and practices** regarding investigation and response should occur so as to ensure legal compliance as well as consistency with Guiding Principles.
3. The University of Illinois system offices should work with the universities to coordinate the implementation of **recurring climate surveys of faculty, staff and students to assess overall progress**.
4. Each university and the system offices should have **staff and resources dedicated** to engage in these evaluations and ensure implementation of findings.

Organizational Structure to Foster Implementation

1. Establish or adapt a **standing committee or committees at each university** to ensure internal coordination, implementation, and assessment of policies, practices, and programs related to sexual misconduct.
2. Implement a **system-wide council** to provide ongoing coordination of education, intervention and response efforts across the three universities and in the system offices.