

What Has Changed in the Era of #MeToo? How Higher Education Can Respond to the New National Conversation

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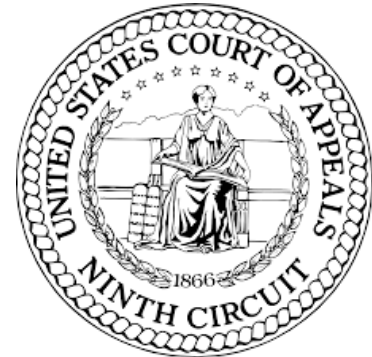


Not Just Hollywood . . .



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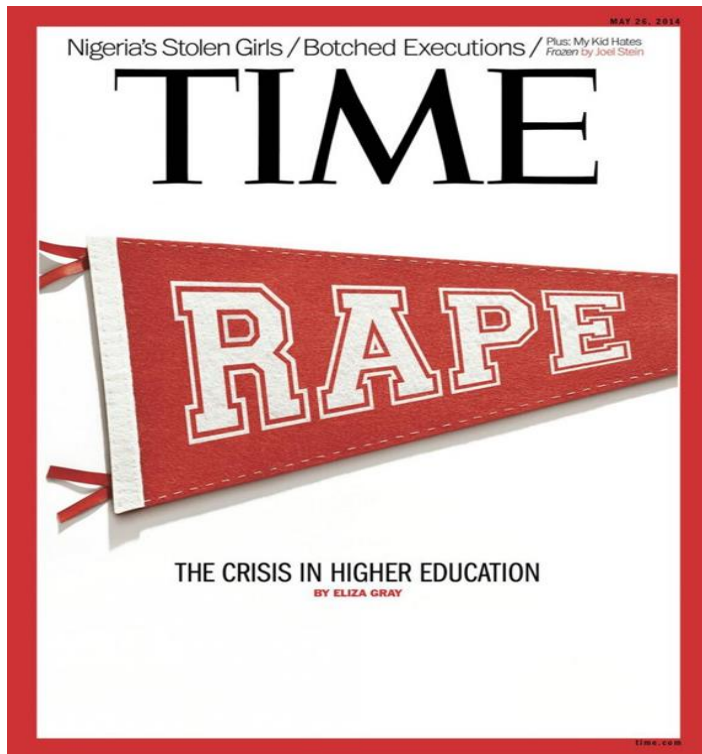
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The Problem Persists... On Campus and Off...



Education Department Under Trump

- Uncertain policy environment
- *“The era of rule by letter is over”*
Betsy DeVos, Secretary of Education
- 2011 “Dear Colleague Letter” on sexual violence withdrawn
- 2016 Guidance regarding transgender students rescinded
- 2017 Q&A on campus sexual misconduct
 - Burdens of proof:
 - Preponderance of evidence
 - Clear and convincing evidence
 - No fixed time frame to complete Title IX investigation
 - Appeals process
- New rules on Title IX anticipated, not yet issued



What Can We Expect Next?

- EEOC charges alleging sex-based harassment
 - 2011: 12,461
 - 2013: 12,379
 - 2015: 12,573
 - 2017: 12,428
- Reports of sexual assaults on campuses (2017 Bureau of Justice statistics)
 - 2001: 2,200
 - 2013: 5,000
 - 2014: 6,700



What's Expected of Schools?

- Proactive
- Innovative
- Immediately responsive



Assessing Culture

- Common theme
- Tone at/from the top?
- Open and honest discourse
- Culture of respect
- Demonstrated accountability



What Policies Are Implicated?

- Prohibition on sexual harassment, sexual violence, relationship violence, stalking, and related misconduct
- Code of student conduct
- Prohibition on discrimination
- Drug and alcohol policy
- Upstander/bystander intervention
- Fraternity and sorority risk management
- Privacy and confidentiality
- Student athlete code of conduct
- NCAA Board of Governors Policy on Campus Sexual Violence
- Anti-retaliation



Best Practices for Policies

- **What works:**

- Coherent, consistent policy throughout the institution, covering all campus constituencies
- Taking into account unique campus culture and values
- Carefully defined terms, with detailed discussion of conduct that is prohibited/problematic
- Participation of all segments of campus community (administration, faculty, staff, students)
- Clear reporting guidelines with multiple reporting channels

- **What does not:**

- Policies not specifically tailored to the institution
- Inadequate publicity of policies



What Constitutes Consent?



- Verbal consent
- Implied by conduct
- Pressured or bullied into consent



Training

- **Who?**
 - All employees
 - All students – men and women, bystanders
 - Fraternities and sororities
 - Student athletes
 - “First responders” and investigators
- **What?**
 - Sexual violence
 - Relationship violence
 - Sexual harassment
 - Discrimination
 - Substance and alcohol abuse
 - Campus culture and values
- **How?**
 - Coordinated and integrated education
 - Structured training
 - Informal focus groups/roundtables
 - Peer education and prevention
 - Staff courses
 - Campus-wide programming

A 3D rendering of the word "TRAINING" in a bold, sans-serif font, where each letter is a different color (red, orange, yellow, green, blue). The letters are positioned as if they are keys on a computer keyboard, with a white keycap visible below them. The entire graphic is tilted diagonally from the bottom-left to the top-right.

Effective Enforcement

- Educational objectives
- Discipline
 - Second chances
 - Zero tolerance
- Proactive measures



Questions



Thank You!



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