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I. INTRODUCTION

In response to concerns raised by students in May 2019, the University's Vice Provost for Institutional Equity and Diversity/Title IX Coordinator and its Director of Gender Equity and Title IX Administration¹ requested, and President Christopher L. Eisgruber authorized, an external review of the University's Title IX processes. Provost Deborah Prentice selected the external review committee and charged it with reviewing and analyzing certain aspects of Princeton's approach to preventing and responding to sexual misconduct on campus.² The following individuals comprise the review team:

- Amy Adelman, Deputy General Counsel, Office of the General Counsel, Emory University
- Howard Kallem, formerly the Director for Title IX Compliance, Office for Institutional Equity, Duke University
- Laura Rugless, Executive Director and Title IX Coordinator, Equity and Access Services, Virginia Commonwealth University

The review team was charged with independently reviewing the University's practices and procedures regarding dissemination of information, in-person support, confidential resources, transparency, balancing conflicting needs of the parties, prevention efforts, and interim measures/accommodations. A particular focus of the review was to evaluate these practices and procedures from the student perspective — specifically, whether the needs of students are being met in the investigation and adjudication process — and to identify ways in which the University could continue to improve support for students. Because students are encountering the Title IX Office and other resources on campus during a time of crisis, they can feel overwhelmed, dissatisfied, and possibly even betrayed, no matter the strength of the Title IX infrastructure. With that in mind, the review team reviewed University documents and materials and the websites of the various involved offices; conducted in-person interviews over the course of three days on campus and video and phone interviews of 25 University administrators, faculty, staff, and students, including members of the Joint Committee (inclusive of the Faculty-Student Committee on Sexual Misconduct and the University Student Life Committee) and representatives of the Princeton IX Now student group³; and benchmarked with a number of institutions of higher education, including but not limited to some of the University's peer institutions.⁴

Because this report is to be made public, and to protect the privacy of those students involved in the Title IX process, the review team did not examine individual case files or receive information about specific investigations.⁵ The review team also was not asked to recommend changes to the text of the University's sex discrimination and sexual misconduct policy, which has been approved by the faculty and the Office for Civil Rights of the U.S. Department of Education.⁶ Rather, the report reflects the team members' advice and input regarding best and promising practices related to Title IX in order to continue

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to provide the University's students with a safe and welcoming educational environment. The review team also recognizes that there are University offices and committees charged with reviewing various aspects of the Title IX process at Princeton, including the Office for Institutional Equity and Diversity and the Joint Committee. The review team hopes and expects that its report will inform and supplement those efforts and the ways in which Princeton supports and cares for students.

II. CHARGE QUESTION FINDINGS

The external review team was charged with considering and answering seven specific questions about Princeton's processes. Those questions and the team's responses are set forth below:

1. How does the University disseminate information about its Title IX policies, procedures, practices and available resources to the University community, and in particular to student complainants, respondents, and witnesses involved in Title IX matters? What are the strengths, and are there specific improvements that can be made in this area?

The University provides extensive information to the Princeton community about its policy and process in a variety of ways, with much of it readily available through a search from the University's home page. Information is available to the Princeton community at the [Sexual Misconduct and Title IX website](#) and, as of August 2019, at a new, additional [Sexual Misconduct Investigations website](#).⁷ The latter site links to a new document, "[Summary Information for Complainants and Respondents in Cases in which the Respondent is a Student](#)," which provides a detailed description of the process and which will be reviewed with the parties when a complaint against a student respondent proceeds to investigation.⁸ The new investigations website has extensive [FAQs](#) covering topics such as the impact of filing a Title IX complaint upon a student's immigration status or financial aid, a complainant's right to change their mind about moving forward with an investigation, application of the policy to off campus conduct, and the intersection between Open Expression and Sex Discrimination and Harassment, among other key questions.

The [Sexual Harassment/Assault Advising, Resources & Education \(SHARE\) office website](#) also provides a wealth of information, including a flowchart describing Options for Responding to Interpersonal Violence based on the goals of the reporting student.⁹ SHARE provides information to reporting students about what to expect during the Title IX process, so that reporting students can make informed decisions about whether and how to move forward. Bathroom stall posters also convey information about confidential options vs. non-confidential reporting options.

Once a complaint is filed with the Title IX Office, information about the investigation and adjudication process is shared at multiple points. For example, each party receives regular, frequent communication from the Title IX Office, including a formal email to each party that lays out the Title IX

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process, an intake meeting with the Title IX Office at which the process is described in detail, an opportunity to review interview summaries, and an opportunity to review the full case file before the investigation is concluded, so that the parties are fully aware of the information gathered and can ask that additional witnesses be interviewed or other additional evidence pursued before the report is finalized.¹⁰ In addition, the parties receive a detailed final report explaining the reasons for the findings and, if applicable, the penalty imposed, as well as detailed information about appeal options.

Several participants in the review process noted the extent and complexity of the information and expressed concern that it could be overwhelming, particularly to a student in crisis. At the same time, they acknowledged that the information is necessarily complex and that removing or oversimplifying it would not be in the best interests of the students. In the review team members' experience, this challenge is shared by other universities and can be mitigated by developing multiple communication tools which organize and present information in a variety of ways. For example, whereas the Sexual Misconduct and Title IX website, like most universities' Title IX websites, is organized according to form (e.g., policy, reports, FAQs, etc.), the new Sexual Misconduct Investigations website has organized some of the information according to user (e.g., Filing a Complaint, Information for Parties, Information for Witnesses, etc.). To the extent students feel as if they do not understand the process, despite the information that is made available to them in-person and on the websites, the new "Summary Information" form, which will be provided during the initial, required meetings with each of the parties, should provide reinforcement and help to explain what to expect during the Title IX investigation and adjudication process.

The review team also learned that, while there is extensive information available about the investigation and adjudication process, there is less communication about the appeals process. The new Sexual Misconduct Investigations website, with an easily located ["Appeals Process" tab](#), provides this information organized according to whether the respondent is a student or a faculty or staff member and by who/what/when types of questions.

Others interviewed expressed concern that, while the *online* information may be extensive and accurate, the information provided by *individuals* involved in the process was sometimes contradictory and inconsistent. This feedback points to the need for the University to ensure that every University office with a student-facing role in the Title IX process is highly familiar with the process and able to provide accurate information to participants. Some of those interviewed suggested that this be addressed by limiting the number of individuals designated as points of contact/information resources, while others suggested providing training to those designated as points of contact/information resources to ensure

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consistency and help them understand when they should refer a student to someone with greater knowledge of the process.

Section IV of this report will provide a number of recommendations and options to address these issues in more detail.

2. How does the University provide in-person support to complainants, respondents, and witnesses in the Title IX process? What are the strengths, and are there specific improvements that can be made in this area?

A number of resources are available for those involved in the investigation and adjudication process. When needed, Department of Public Safety (DPS) officers provide in-person support by providing transportation to the hospital or court and assisting with safety planning. The University also provides in-person support through an array of confidential resources, most notably SHARE for reporting parties/complainants and Counseling and Psychological Services (CPS) for all students (including respondents), as more fully set out below in response to Charge Question #3.

The new investigation website provides substantial information for complainants and respondents about the investigation process. The Title IX Director also provides support to the parties when she meets with them individually. Residential college staff, including the Directors of Student Life, also are available to provide information. Indeed, many of these individuals – along with other University administrators – are trained to serve as advisers to help the parties understand and navigate through the Title IX process. Both complainants and respondents can obtain interim measures and accommodations while an investigation is pending, as discussed below in response to Charge Question #7. The Community Integrity Program (CIP), operated by SHARE, supports respondents who have been found responsible for sexual misconduct in exploring their attitudes and behaviors so that they can actively contribute to a healthier and safer campus community.

The process itself appears to be designed in many ways to recognize its potential impact on those involved. For example, the Title IX Office's practice of providing 24-hour advance notice of significant communications (e.g., of the determination) enables the parties to arrange to view the communications in the presence of their adviser and/or another individual who can provide them with emotional support.

Although there is less opportunity for in-person support for witnesses and less witness-specific information available on the website, Princeton nevertheless provides them with [information](#) tailored to their needs. This appears to be more thorough than what is provided by many other universities.

While the University provides much in the way of support, there may be opportunities to enhance the University-Provided Adviser Program, the Title IX Office, and the CIP. First, with respect to University-provided advisers, the administrators interviewed by the review team who serve as advisers

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spoke at length about the importance of the adviser role and their sensitivity to the needs of the parties, yet they also described the amount of time advising can take away from their primary roles. Some of the participants in the review process explained that when the parties to a complaint request a University-provided adviser, they are likely to request an administrator from their residential college – at least when they have a preexisting relationship with that administrator, which is often the case. That preexisting relationship can strengthen the student’s engagement in the process but also may lead to some advisers being called upon more frequently, which can create workload imbalances – suggesting the need to increase the pool of advisers or to consider some sort of rotation without decreasing the representation in the pool.

With respect to University adviser representation in the Title IX process, two challenges were identified to the review team. First, a student having academic difficulties due to an incident of sexual misconduct might be reluctant to request that their residential college Dean or Director of Studies serve as their adviser due to the role of the Dean or Director of Studies in enforcing academic standards. The review team also was told that many students view the Affinity Centers as a source of support and a safe place to raise concerns related to intersectionality and sexual misconduct. Fundamentally, the perception of an advocacy and support role of the center could be complicated by and in tension with the neutrality required of those center directors who are designated as Title IX advisers. For example, conceivably, one party to a complaint could seek emotional support from an Affinity Center while the other party has asked the director of the same center to serve as the party’s adviser. Even if not in direct conflict, the center’s dual roles may be difficult for students to navigate in the Title IX context.

Second, there also appeared to be somewhat differing interpretations of the role of the University advisers in the Title IX process.¹¹ Advisers who participated in the review process expressed their understanding that it was *not* their role to serve as an advocate by helping a student develop strategies and arguments to support their case. However, some indicated that they would review the evidence with their advisees to ensure they understood it, while others indicated that would provide only an explanation of the process. In addition, while all the advisers indicated that they had received training for the role and that additional training was available, there appeared to be inconsistency in the frequency and depth of the training among the advisers interviewed by the review team.

Regarding the Title IX Office, many participants in the review process noted the challenges inherent in the role of the Title IX Director. Some participants highlighted the Director’s sensitivity, commitment to ensuring a fair and balanced process, compassion, and listening skills. However, many remarked that precisely because of her compassion and listening skills, some students may view the Director as an ally, rather than a neutral administrator, and mistake her expression of support for their

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wellbeing as an indication of support for their position. They subsequently feel a sense of betrayal when, following her involvement in the investigation and adjudication process, they receive an unfavorable outcome. Yet another concern centered on the emotional support available to the parties, particularly when they choose an attorney or non-attorney adviser external to the University.

Finally, individuals interviewed by the review team who have served as advisers to respondents explained that respondents are often embarrassed by the accusations or concerned about them becoming public; therefore, they are reluctant to seek emotional support or counseling. While the CIP helps them understand the value of seeking help and talking about problems *after* a finding of a policy violation, it may be helpful to take additional steps to encourage respondents to seek such support *during* the complaint process, either through CPS or some other resource.

3. What confidential resources are made available to complainants, respondents, and witnesses in the Title IX process? What are the strengths, and are there specific improvements that can be made in this area?

As noted above, the University provides an array of confidential resources to the parties.¹² These include:

- SHARE [provides](#) crisis response, support, short-term counseling, advocacy, education, and referral services to students dealing with incidents of sexual misconduct; it does not serve as their advisers. SHARE also is available to witnesses, at least those supporting complainants, and provides support to friends of reporting students, who may be experiencing secondary trauma.¹³
- University Ombuds Office provides conflict resolution support and services to all university community members.¹⁴
- University Health Services (UHS) provides medical, health and wellness services to all students.
- Counseling and Psychological Services (CPS), within UHS, provides counseling and support to all students.
- The Office of Religious Life provides chaplains for individual counseling to all students.

Individuals interviewed by the review team, including many of the students, praised the competence and commitment of SHARE staff. However, many noted that the clinical advocacy/counseling support SHARE provides to students taxes its limited capacity to engage in other important work, such as developing multi-year curriculum to further educate the community and prevent sexual violence and misconduct.

Further regarding SHARE, several people noted a misperception among many graduate students that SHARE services are intended for undergraduates solely. The SHARE Director agreed that, despite messaging and information to the contrary, this misperception persists and is an obstacle to meeting the needs of graduate students. Offices similar to SHARE at other colleges and universities encounter this

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same misperception/obstacle, with many engaging in outreach activities specifically geared to familiarize graduate students with their services.

Like counseling centers at most colleges and universities, CPS and SHARE provide short-term counseling to students and must refer students with longer term needs to providers in the community (although exceptions may be made, e.g., for students unable to afford an outside provider, if there are health insurance complications, or if clinical conditions preclude the appropriateness of a referral). However, it was noted that there was a shortage of providers in the community, particularly psychiatrists, but that CPS is expanding its pool of community providers to ensure longer term counseling for a variety of issues, possibly with the University providing some sort of financial assistance to students.

Another suggestion involved the method of delivery of counseling services. For example, one interviewee noted that group therapy could be beneficial to many in the community who either lacked resources for long term individual counseling sessions or who simply preferred a group model for healing; it was suggested that this might be particularly beneficial for students of color and LGBTQIA students. University Health Services has offered groups for students of color and LGBTQIA students, as well as for students experiencing trauma resulting from sexual violence, but this may not be widely known.

4. Are there ways that the University can increase transparency in the Title IX process, consistent with its Title IX policies and procedures, and in accordance with its privacy policies and legal requirements? (For example, should the University change or expand the nature of the information it provides in its reports on sexual misconduct matters, found on this website: <https://sexualmisconduct.princeton.edu/reports/>?)

The issue of transparency is central to any effort to improve the student experience. If students lack trust in the Title IX process, for whatever reason, they will be less likely to use it. As critical as this issue is, the review team found it to be one of the more difficult areas to analyze, for two primary reasons: (1) there is no concrete or universal understanding of what “transparency” means in the context of Title IX at Princeton and (2) there are challenges to resolving those issues that did surface.

As a preliminary matter, it might be helpful to first consider how Princeton stacks up to federal guidance on transparency. Specifically, in January 2017, the White House Task Force to Protect Students from Sexual Assault issued [“Preventing and Addressing Campus Sexual Misconduct: A Guide for University and College Presidents, Chancellors, and Senior Administrators”](#), which recommends the following five components for transparency (pp. 12-13):

1. An accessible campus-wide website on both school and local community resources for prevention and response to sexual misconduct.
2. Publication of findings from any research and evaluations of sexual misconduct programs.

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3. Policies and procedures on responding to sexual misconduct available in multiple formats and easy for students, employees, and the general public to access.
4. Provide information on the school's sexual misconduct policies and practices.
5. Make campus climate survey data and other relevant forms of aggregate data on sexual misconduct publicly available on the school's website.

The University addresses most of these components in various ways and far exceeds the government's definition of transparency in connection with Title IX. The review team has made a number of suggestions to further address the concerns about transparency, such as assessment of training programs and enhancing the accessibility of information.¹⁵

In general, participants in the review process interpreted "transparency" very differently from the government definition above, and in some cases, the community's expectations with regard to transparency far exceed what is generally expected under federal guidance and what is done by Princeton's peer institutions. The work of the Faculty-Student Committee on Sexual Misconduct and more recently, the Joint Committee also has gone a long way toward recognizing student and faculty concerns.

Yet it is clear that addressing these concerns and the federal components has not been sufficient to meet the concerns of some in the University community. For example, some questioned the University's messaging regarding its commitment to addressing sexual misconduct generally. Others believed that some students' complaints had simply "fallen through the cracks" with no explanation as to why their complaints had not been pursued. Many of those interviewed noted that the Title IX Director's dual roles (in both the intake of complaints and their investigation and adjudication) were not sufficiently explained and therefore lacked transparency. Several noted that failure to share information about outcomes on a case-by-case basis with the Princeton community led to a belief that the process was not transparent, despite an understanding of the need to protect the privacy of those involved.¹⁶

Interestingly, some students want to know from the outset of the process exactly what the outcome and sanction will be based on the facts they report, and they experience the University's inability to provide this information as a lack of transparency. Related to this, some students feel that they aren't believed because they didn't get the outcome expected, leading them to cite a lack of transparency. As explained to the review team, a challenge in this area is helping students understand that the purpose of the Title IX process is not to be a mechanism of advocacy for complainants to obtain a particular outcome or to bring about "justice" for them. Rather, the University has an obligation to provide a fair and balanced process to determine, based upon a preponderance of the evidence, whether a respondent violated the University's policy.¹⁷ To be clear, a determination of no responsibility for a policy violation doesn't necessarily mean that the sexual misconduct did not occur; it means there wasn't sufficient evidence to *prove* that it occurred. At the same time, the University cannot take disciplinary action

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against a respondent without providing the student with all the procedural protections set forth in Princeton's sex discrimination and sexual misconduct policy (which, again, has been reviewed and approved by its faculty and by the U.S. Department of Education's Office for Civil Rights), as well as those protections increasingly required by the courts and, more than likely, by regulations soon to be issued by the Office for Civil Rights. Lack of certainty about the outcome may discourage a student from filing a complaint, yet that uncertainty is unavoidable. Some of those interviewed suggested that students should be told early in the complaint process of the uncertainty of the outcome; however, the review team is concerned that doing so could be perceived as discouraging students from filing complaints.

In the experience of the review team, colleges and universities across the country are struggling with these issues. On the one hand, federal privacy laws generally prohibit schools from disclosing information from a student's educational records, which includes all the information obtained during a sexual misconduct investigation; moreover, disclosure of information about a complaint could result in identification of the complainant, potentially deterring others from reporting. At the same time, information about accusations of sexual misconduct often surfaces in other ways outside of the university's control, and in response, students and others in the community understandably want reassurances of a safe environment. Aggregate information such as that included in the University's annual reports and explanations of process and privacy restrictions may not be seen as sufficient.

So, what can the University do to assure students that it has taken appropriate action in specific cases? Fundamentally, this comes down to a matter of trust – in the University, in its leadership, and in its processes. This is something that can only be developed over time. A number of the review team's recommendations go toward building this level of trust. But make no mistake -- achieving it is fraught with difficulty. There is a saying amongst those who work in the Title IX arena that you are only as good as your last case. Many schools release aggregate data on the outcomes of complaints, as Princeton does in its annual reports. Even if the data shows findings of policy violations in a significant number of complaints, if one complainant publicly expresses dissatisfaction with the outcome of their complaint, it can be perceived by the university community as a failure of the entire Title IX process. In these situations, the school is unable to respond to the public criticism with an explanation of the case due to student privacy protections, and its necessary silence can compound the appearance of a lack of transparency and engender distrust.

Yet another possible issue regarding transparency could relate to how penalty decisions are made. Some students seem to want a level of certainty – a specific penalty for each type of sexual misconduct. However, in the experience of the review team, this is virtually impossible to provide due to the factors that go into the penalty decision. Instead, as of August 2019, the Title IX Office website provides [“Information regarding Penalties in Sexual Misconduct Cases”](#), which lists the factors:¹⁸

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- The relative seriousness of the infraction, including the impact of the respondent's actions on the individuals personally affected, the University community, and the University's values.
- Precedent, with the University's annual Sexual Discrimination and Sexual Misconduct disciplinary reports providing information regarding outcomes for prior cases.
- A respondent's previous disciplinary record (a violation of any sort).
- Lack of honesty during the investigation and/or adjudication process.
- The number of violations found in the current proceeding.

In addition, to provide further clarity regarding penalties, the web page also includes examples from actual cases from the past five years, with a brief general description of the misconduct and the penalty imposed. This new web page should go a long way toward providing clarity regarding the potential penalties that might be expected in certain types of cases. Some of this same information (not the data on penalties) is also included on the new [investigations website](#).

5. How does the University handle and balance the often conflicting needs and interests of complainants, respondents, and witnesses in the Title IX process? What are the strengths, and are there specific strategies and tactics (including policy and procedural changes) that the University can use to improve its practices in this regard?

As a general matter, the interviews conducted by the review team did not provide much information about this area. Those interviewed did not see conflicts other than the parties' respective desires to obtain different results and in the expectations regarding the sharing of information (noted above in Charge Question #4). However, the review team was able to identify some possible areas for further exploration.

The most significant area to surface was the lack of alternative resolution options. In the experience of the review team and based on some of the information gleaned from interviews, there are many situations in which a complainant wants the respondent to understand how the respondent's conduct hurt them without "ruining the respondent's life." This is most common, perhaps, when the alleged sexual misconduct arose in the context of a failed relationship. Similarly, there may be situations in which the complainant wants to hold the respondent accountable for the harm done to the complainant, but does not want to go through a difficult and stressful formal investigation and adjudication process. Yet, under the University's current procedures, complainants who do not wish to proceed through formal resolution have no other recourse, nor are there any options for a respondent to acknowledge -- not that they violated University policy¹⁹ -- but that their behavior caused harm to the complainant.

Most of those interviewed could identify only mediation as a possible alternative, which they believed was off-limits in sexual misconduct cases²⁰ or at odds with what they perceived to be the University's rules-based culture. Those who expressed at least some familiarity with the principles of restorative justice were unable to articulate how it worked or when it would apply in the Title IX context. For example, they believed that it would apply only when the respondent was willing to admit to a

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violation of the policy, rather than simply acknowledging that their conduct caused harm to the complainant. Another misperception was that restorative justice would not result in accountability under a process, whereas restorative justice processes are actually designed to “provide meaningful and effective accountability intended to repair the harm and prevent the behavior from reoccurring ... and do not preclude campuses or participants from incorporating temporary or permanent separation provisions into the final agreement.”²¹ Other misperceptions were that a restorative process could never be appropriate for certain types of sexual misconduct despite the parties’ wishes, that the parties had to meet face-to-face during the process, and that it was designed to reach an outcome acceptable to the parties without consideration of university or community interests.

The review team is aware that the University has been exploring restorative justice generally and the Joint Committee has established a work group to evaluate the use of alternative resolution models based on restorative justice. This report’s recommendations identify issues for the group to consider and a variety of models used by other institutions offering alternative resolution.

Another issue related to conflicting needs involves the University’s current process for determining penalties. One of the penalty factors to be considered under the formal process is [the impact of the respondent’s actions](#) on the individuals personally affected and the University community. While this information may be elicited during the investigation stage, there is no procedural mechanism to ensure that the complainant has the opportunity to provide impact information directly to the University administrators who determine the penalty. In the review team members’ experience and as reflected in many college and university processes, having a direct mechanism both practically and symbolically keeps the impacted party in frame throughout the process.

Yet another issue that surfaced during the review team’s work related to the increasingly common trend for respondents, once they have been notified of the charges against them, to file cross- or counter-claims against the individuals accusing them of sexual misconduct. SHARE’s services are primarily for complainants, and generally the original complainant will have contacted SHARE first. Determining how to provide services and support to a respondent-as-complainant is an increasingly common problem at many colleges and universities, with many still struggling to figure out how to address the situation.

6. Princeton engages in extensive sexual misconduct prevention efforts directed at the University community, including training programs (for a partial listing, please see <https://sexualmisconduct.princeton.edu/prevention-efforts>). What are the strengths, and are there specific ways the University can improve on these efforts, either by enhancing existing training or other programs or by introducing new ones?

The University offers a robust array of prevention and training programs, with some required and others optional. As at many colleges and universities, online training is required for incoming

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undergraduate and graduate students, followed by in-person training as part of orientation. In addition, second year graduate students are required to take an online module on sexual harassment. The University goes further than the compliance requirement and many schools by enforcing completion of the training through registration holds, such that students may not register for classes until they have completed the training. At least for undergraduates, the required training is followed by in-person sessions, most notably the SHARE play during freshman orientation. SHARE is in the process of developing a four-year curriculum for undergraduates. Currently, additional training occurs at key points in a student's career at Princeton, such as during the recruitment process for eating clubs.

Among those interviewed, there were suggestions for improvement based on varying impressions of the value of online training. Universally, it was seen as necessary given the size of the student body and the need to provide training early in a student's career; however, there were several suggestions to supplement it through additional, required in-person training programs at various points throughout a student's time at Princeton. Suggestions included the opportunity to choose sessions on topics directly related to sexual misconduct as well as on topics already offered on a voluntary basis such as healthy relationships and toxic masculinity, or to attend functions at the [Princeton Women*s Center](#), which serves students of all genders; one benefit of including a broad range of topics is protection of survivors from the potential re-traumatization that could result from mandatory training sessions directly on sexual misconduct. Both the SHARE Director and the Director of the Title IX Office indicated that additional sessions are being conducted which target specific audiences, but this effort is limited due to capacity. In a similar vein, demands for SHARE's clinical advocacy services and that office's limited capacity have delayed development of the four-year curriculum. One specific suggestion, whether for online or in-person training, was to improve the content for international students by acknowledging other countries' cultural norms.

More fundamentally, research in the field has shown that online programs such as Not Anymore, Sexual Assault Prevention for Undergraduates (formerly called HAVEN), and Sexual Assault Prevention for Graduate Students (formerly HAVEN PLUS) are effective in increasing knowledge about sexual misconduct and changing attitudes, but there hasn't been similar research showing that they actually reduce prevalence.²² This makes it all the more important for colleges and universities to establish goals for their training and then assess whether their programs are achieving the goals, as is being done for the University's U Matter initiative and at least some of SHARE's prevention programs.

7. How does the University implement interim measures/accommodations both for parties involved in pending Title IX investigations and for those who do not wish to proceed with a formal investigation? What are the strengths, and are there specific ways the University can improve its procedures for implementing interim measures?

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The University offers a range of interim measures (also referred to as accommodations) to support reporting parties (regardless of whether they file a complaint) and respondents and communicates information about what is available and how to request measures through both Title IX-related websites (<https://sexualmisconduct.princeton.edu/resources-reporting/reporting>; <https://sexualmisconductinvestigations.princeton.edu/support-resources/support-resources-complainants>). For the most part, interviewees expressed that the interim measure process works well, including that the university will not implement measures which disadvantage a party while an investigation is pending. In addition, many noted that it was very easy for parties to obtain informal extensions of academic deadlines by simply stating that they needed a SHARE-related extension or that they were involved in a Title IX matter.²³ While students are told to request accommodations through their residential college staff, some requests are made directly to faculty. Faculty are told to notify residential college staff of the requests; residential college staff, in turn, notify the Title IX office of those requests that have been denied. All this makes it difficult, if not impossible, to track all of the extensions and other accommodations granted. This can potentially result in inconsistent responses to similar requests among the various residential colleges. Indeed, some of those interviewed thought that faculty are given too much discretion in determining whether and what academic accommodations are to be provided and that there isn't the same sense of urgency and understanding regarding accommodations needed due to sexual misconduct as there is for accommodations needed for other reasons.

The most common interim measures -- no contact and no communication directives -- are put into place for only three months and then must be renewed. The reason for this given to the review team was that, when used in contexts such as conflicts or disagreements between students, the circumstances giving rise to the need for the directive were often resolved such that the directive was no longer needed. However, in the experience of the review team, this is not the case when the need arises due to alleged sexual misconduct. For that reason, many colleges and universities place no time limits on their no contact directives; indeed, many continue them even after the conclusion of the complaint process, regardless of the outcome of that process. Indeed, at Princeton, a no contact/no communication directive due to alleged sexual misconduct would not be denied even if the circumstances giving rise to the directive had been resolved, including after the conclusion of the complaint process. But, at least as written, the policy on such directives seems to require repeated requests for renewal.

While not directly related to interim measures/accommodations, the sexual misconduct policy does not include any provision for providing immediate or longer-term remedial measures to complainants after a finding of a policy violation, including ongoing assistance to address the lingering effects of sexual misconduct on complainants.²⁴ In the view of the Office for Civil Rights, Title IX is a remedial statute and part of a college or university's response must include actions reasonably calculated

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not only to end any sexual misconduct and prevent it from recurring, but also to correct the effects of the misconduct as appropriate. Often, this will simply include extending measures put in place during an investigation, such as a no contact or no communication directive, but it could also include, for example, reinstatement to a team or an opportunity to retake a course that the complainant dropped due to the misconduct. Part of this remedial obligation can include monitoring the complainant's situation, or at least providing the complainant with the opportunity to request additional support well after resolution of the complaint, e.g., due to continuing traumatic effects from the sexual misconduct.

III. HIGHLIGHTS AND STRENGTHS

The work of the external review team revealed numerous strengths in Princeton's Title IX processes. Specifically, the five "C's" of an effective program to prevent and respond to sexual misconduct – competence, communication, capacity, consistency and compassion -- are evident at Princeton, and the University demonstrates strengths in each of these areas. Overall, the Title IX process at Princeton is designed in a manner that ensures, to the greatest extent possible, that cases are handled in a highly competent, timely, and consistent manner, with great compassion for the needs of those involved. Those interviewed praised many of the current staff, describing them as competent, caring, responsive, and hard working. Other highlights of the process include:

- Information about the Title IX process at Princeton is available across the University. In addition to the online resources such as the Title IX website and the SHARE website, information about options available to students who experience sexual violence is posted throughout campus on every bathroom stall.
- Communication about Title IX begins before students arrive on campus for their first year, and students are unable to register for classes until they complete mandatory online training. That training is reinforced with in-person education during orientation, including the SHARE play and small-group de-briefing and discussion after the play.
- The University also actively provides information about its process for responding to complaints through in-person sessions with faculty, staff, and student leaders. These sessions are in addition to a robust array of required and optional prevention and training programs.
- According to many of those interviewed, including the students, students (and particularly undergraduate students) are very familiar with the resources available to them through the SHARE office.
- The University is also fortunate to employ two highly experienced, trained investigators dedicated to Title IX investigations, which promotes consistency and quality.

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- The parties to a complaint have the opportunity to review the information obtained during the investigation and to offer input as to additional evidence that should be gathered before the investigation report is written.
- The University has a large pool of highly trained and sought-after advisers, who devote substantial time and energy to supporting complainants and respondents in Title IX matters.
- The practice of utilizing the same senior administrators to set penalties jointly in all cases promotes a high level of consistency and competence in the penalty phase.
- Students are provided extensive support, including extensive communication about the process once a complaint is filed. Among other things, students are given a 24-hour heads up before important communications (such as decisions) are sent, to enable students to receive the information in the presence of an adviser or other emotional support person.
- The process for requesting interim measures and accommodations through the residential college Deans and Directors of Student Life (with students likely to have an existing relationship with them) is generally seen as easy for students to navigate.
- The CIP appears to be a unique and promising practice based on anecdotal feedback.

IV. OPPORTUNITIES AND RECOMMENDATIONS

While the University's approach to preventing and responding to sexual misconduct has a number of strengths as to competence, communication, capacity, and consistency, the review team was able to identify a number of possible areas for refining and strengthening its efforts. Importantly, these areas of opportunity are not unique to Princeton, as many schools encounter issues related to resource allocation, communication, and providing alternatives to the investigation/adjudication model, among others. The review team found overlap among Charge Questions according to these three themes: (A) Resources and Infrastructure, (B) Communication and Engagement with the University Community, and (C) Accommodations, Conflicting Needs and Resolution Models.

A. Resources and Infrastructure (Charge Questions ##2, 3, 4, 7)

1. SHARE

- a. SHARE plays a pivotal role in the University's process, providing counseling and support for reporting parties, providing them with information about the complaint process, developing and delivering many of the University's prevention programs (including outreach to the eating clubs), and implementing the CIP. According to the Title IX Director, approximately 75% of the reports to the Title IX Office come from undergraduate students who first have worked with the SHARE office. The review team recommends that

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- the University implement a process to assess whether the SHARE office has the staffing and other resources it needs to provide these services.
- b. In addition, SHARE should explore whether there are opportunities to better publicize its services to encourage even more students to use its services. For example, SHARE may wish to consider issuing periodic reports on its activities, either as a stand-alone document or as part of the annual reports issued by the Title IX Office.²⁵ Such information could include the number of clients served, the types of sexual misconduct reported, the status of the clients (undergraduate or graduate student), and the number of training programs and of the participants in those programs. Such reports not only would highlight the volume and value of SHARE's current work, but also would help the University anticipate and assess the need for additional resources.
 - c. Importantly, SHARE should consider highlighting the steps it has taken to increase diversity and cultural understanding within the office. SHARE should be seen as more than one individual administrator.
 - d. The review team recommends that SHARE undertake targeted outreach to graduate students (e.g., through work with the Graduate Student Government, Women in STEM, other graduate student organizations, etc.) to make them aware that SHARE services are available to them.
2. The review team received positive information about the use of the CIP. As an addition to all penalties except expulsion, the program provides a confidential means for respondents to explore their harmful attitudes and behaviors in order to actively contribute to a healthier and safer campus community. Although what the CIP offers is different from CPS counseling, CPS is similar insofar as it serves as a confidential resource which can be used by respondents to explore their attitudes and behaviors, deal with the stress of the complaint process, etc. In light of the benefit to the individual and the University community, the University would be well-served to examine the reasons many respondents do not use CPS during the complaint process (at least according to the information provided to the review team) and seek to address those reasons.
 3. Both SHARE and CPS provide counseling. We encourage the University to continue its efforts to identify resources and referrals to meet students' longer-term care needs and continue to offer and better publicize group therapy and group healing opportunities for students who have experienced sexual misconduct, particularly for students of color and LGBTQIA students.

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4. The University may wish to consider formation of an operational level group from various offices to coordinate support and response. At some institutions, this may be the Sexual Assault Response Team (SART) or a case coordination team.²⁶ If Princeton forms such a group, it should consider including the Department of Public Safety (DPS)/University Police (which indicated a desire to be more involved and a voice at the table for prevention and response at Princeton; see #5(c) below).
5. Increased Emphasis on “Supportive Reporting”
 - a. The University has designated most of its employees as what many of the interviewees called “mandatory reporters.” The principal reason for casting a wide net for reporting isn’t to give the University the opportunity to pursue disciplinary proceedings, but to be able to offer support to reporting parties and inform them of their options, including filing a complaint. Using the term “mandatory supporters” may be one way to get this message across in order to encourage more reporting. In addition, while University employees are required to take training that includes their reporting responsibilities, more training might be provided specifically to faculty and Directors of Graduate Studies (DGSs) on their reporting responsibilities and on how to provide a supportive response to students who inform them about sexual misconduct; to the extent possible, this training should be required (particularly for DGSs).
 - b. The University should explore opportunities to improve training and/or guidance to those individuals designated as a contact point/sources of information in the Title IX process, including through periodic training, to ensure that students are provided with consistent information and that students are appropriately referred when they need additional information.
 - c. As part of the communications plan (discussed below), the University may wish to develop messaging regarding the role of DPS officers as “caretakers rather than enforcers,” explaining that a report to DPS will not automatically result in criminal charges. Individuals working in these areas typically are well-trained on sexual misconduct and therefore can be helpful responders, regardless of whether criminal charges proceed.
6. Enhancements to Complaint Process
 - a. The University should consider changing the intake process for complaints so that the individual or individuals involved at that stage are not also involved in the investigation and adjudication of the complaint. Many colleges and universities designate an intake officer²⁷ or case manager²⁸ to handle the intake function and all logistical and other

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communications with the parties during the complaint process. The intake officer or case manager would remain neutral and could help each of the parties understand and navigate through the process, understand the types of evidence that could be relevant, and perhaps, as appropriate, even be a source of emotional support. This function could be particularly helpful when a party has chosen an attorney or other external adviser, who may not be familiar with the University's process.²⁹ Altogether, the intake officer or case manager, the adviser, a counselor from SHARE or CPS, and any others providing emotional or other support (see next recommendation) essentially would comprise a type of "care team" for each party.

- b. Creation of a "care team" could also help to ensure that the parties to a complaint receive regular and periodic reports on the status of the investigation and adjudication. Regardless, the Title IX Office should ensure that this occurs and that the communications are documented. This should also include information on any decisions that have been made and, to the extent possible, the reasons for those decisions (e.g., if a student provides information to the Title IX Office that is not treated as a formal complaint but is pursued in some other way; if certain allegations in a complaint are not investigated; if witnesses identified by a party are not interviewed; etc.).
- c. The University should consider expanding the number of individuals allowed to assist each of the parties with the investigation process.³⁰ Having a "process navigator" available can be particularly helpful when a party has an attorney or other external adviser. Other possible tools to help external advisers understand the process could include a handout designed specifically for this purpose, a requirement that the adviser certify that they have read the policy, and/or a video describing the process.
- d. The University also may wish to designate deputy or assistant Title IX coordinators to provide support to the parties while engaged in the complaint process. Such support could include assistance with understanding their options, navigation through the process, and/or emotional support. These individuals also possibly could assist with dissemination of information and training. Possibilities include one deputy/assistant coordinator for student matters and another for employee matters, student life staff in the residential colleges, and/or the assistant deans in the Graduate School.³¹
- e. The University's practice of designating advisers to assist the parties seems to be working well. However, the University may wish to assess their training and workload to ensure that they all have the same understanding of the adviser role and the knowledge and time to provide effective and consistent support, and whether there is a need to rotate or expand the

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pool of advisers. This could include “just in time” or refresher training for advisers taking on a case after a break in service (e.g., being away/inactive, not having been selected for some time, etc.). The University also should ensure that the advisers, SHARE and the Title IX Office are providing consistent information to participants about the Title IX process, as the review committee has heard, anecdotally, that the information given is sometimes inconsistent. Additionally, the University may want to provide parties with the opportunity to provide anonymous feedback about the performance of their University advisers upon the conclusion of the process.

- f. The parties are provided written notice of the outcome of their cases via email. The University may wish to consider providing them with the option of meeting with the intake officer or case manager (as well as a support person) to receive the written notice. While the intake officer/case manager will not have participated in the decision-making process and therefore wouldn’t be in a position to be able to explain the basis for the determination, they could answer procedural and related questions about how a determination is made and about the appeals process, as well as make arrangements for any additional counseling or support measures that may be appropriate. This may be similar to the role of the “secretary” at Princeton in other types of disciplinary cases.

B. Communication and Engagement with the University Community (Charge Questions ##1, 4, 6)

1. Development of a Communications Plan

- a. Outside of the process and those directly involved, information about Title IX at Princeton is delivered passively (e.g., websites, bathroom stall signs, etc.). The review team recommends that the University consider a comprehensive and ongoing *active* communications plan to engage the community in addressing sexual misconduct. The communications plan should continually reinforce throughout a student’s time at Princeton that the University is committed to maintaining a safe and welcoming learning and working environment. This could include regular leadership messaging³² (including updates on the work of the Joint Committee), awareness events, integration of messaging about sexual misconduct into messaging from other areas, social media campaigns, discussion forums, and curricular activities.³³
- b. The communications plan should be developed collaboratively with various stakeholder offices and provide meaningful opportunity for student input. However, it is particularly important that the effort be guided by individuals knowledgeable about sexual misconduct, the University’s procedures and programs, and communications strategies. The

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University's Office of Communications may have the resources and knowledge to design and help implement the plan; other universities have created communications positions within their Equity or Title IX Offices to lead such efforts.³⁴ While Princeton's Office for Institutional Equity and Diversity has a staff member who devotes approximately 30% of their time to providing communications support (largely web and some print materials), some suggested that the office could use additional support for organizing, designing, and disseminating information. This person also could conduct outreach, including developing and delivering compliance-related training.

- c. The communications plan should create opportunities for students to contribute ideas to refine how SHARE and the Title IX Office work. While the Faculty-Student Committee on Sexual Misconduct appears to be an effective advisory body, it should not be the only way that students can provide input and enter into dialogue with the University offices providing Title IX-related services. Possibilities could include confidential/anonymous exit interviews with or surveys of the parties to a complaint after completion of the complaint process, periodic meetings with campus advocacy groups, focus groups, and opportunities to provide such feedback on training evaluation forms.
- d. A communications plan also could include an explanation of privacy restrictions applicable to the Title X process. An explanation such as this, proactively published on the website and in other materials, may help to build understanding and trust in the information practices of the Title IX Office.
- e. One activity under the plan could involve additional summer reading for incoming and upper level students, ideally as part of a broader, four-year curriculum. This would ensure that students are aware of the issues involving sexual misconduct and the University's expectations before and during the "red zone," the first several months of college when sexual assault rates tend to be at their highest, as well as throughout the academic year. Books used by other colleges and universities have included "Picking Cotton" by Jennifer Thompson-Cannino and Ronald Cotton and "Consent: A Memoir of Unwanted Attention" by Donna Freitas.
- f. The University should assess opportunities for coordinating the communications plan with (and potentially thereby bolstering) the University's current and planned prevention and training programs, including the four-year curriculum that has been recommended by the Faculty-Student Committee on Sexual Misconduct.

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2. Additional Prevention Efforts

- a. The review team recommends that the University consider a team approach to analyze data/trends and themes, identify goals and objectives for training and other prevention efforts, target these efforts, and evaluate or assess the efforts to see if they are meeting the University's goals. This team, which may be called a Prevention Team or may be the SART at other colleges and universities, can also periodically review completed case resolutions (de-identified as needed) to identify possible modifications of practices and procedures. Possible members could include representatives from the Title IX Office, SHARE, University Health Services, Office of the Dean of Undergraduate Students, the Graduate School, DPS, the Office of the General Counsel, and even community partners such as the community rape crisis center.
- b. The University may wish to explore additional training modules intended for specific segments of the University community, such as international students (e.g., the on-line module for this purpose offered by Not Anymore), LGBTQIA students, students of color, and students with disabilities (who experience the highest rate of sexual assault of all college students). In addition, the University may wish to expand its offerings on related health and wellness topics, such as healthy relationships, healthy masculinity, resiliency, and bystander intervention for drug and alcohol use as well as for sexual misconduct. Where such training is already offered, the University may wish to better publicize its availability and, if it is to remain optional, consider providing incentives for participation. In addition, adding content on microaggressions has proven useful at other universities to begin combatting "lower level" offenses and gender-based disrespect, which could lead to more disruptive and dangerous conduct if left unchecked. To the extent Princeton considers implementing a more in-depth, mandatory curriculum on sexual misconduct, one suggestion is to allow students to choose from a menu of options.

3. Additional Information Sharing and Data Reporting

- a. While the University offers extensive information about the complaint process through its websites and through meetings with staff in SHARE and the Title IX Office, the Title IX Office may wish to consider whether there are ways it can provide the information in formats more readily accessible to students in crisis. This could include a short, student-focused guide to the process,³⁵ something like the SHARE flowchart,³⁶ or something like the Student Leave dropdown navigator³⁷; a glossary of key terms also might be helpful. The University might also want to consider developing an interactive website that allows

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users to navigate various paths and options for support and resolution. Several colleges and universities have developed short videos, often presented by students, describing the complaint process.³⁸ This can all be a part of the communications plan mentioned above, supported by those with an understanding of best practices in web design and information sharing.³⁹

- b. Students interviewed by the review team indicated that students would like information about the types of evidence necessary or helpful to support their cases before filing a complaint, i.e., to help them decide if they have enough information to have a chance of prevailing should they decide to move forward. One example: because many instances of sexual misconduct are “word against word,” with no direct witnesses, contemporaneous accounts (e.g., telling friends about what happened, journal entries, etc.) may be critical to making credibility determinations. If a student doesn’t have this information, they might decide that it isn’t worth going through the stress of an investigation. The University may wish to provide an explanation of the types of evidence that could be relevant in an investigation on its [investigations website](#). This information also would be helpful for both parties after a complaint is filed.
- c. The University recently has provided [additional information regarding how penalties are determined and examples of penalties from actual cases](#). This information should help the university community understand why penalties cannot be pre-determined or automatically assigned for specific types of conduct. The University may wish to provide additional clarity about this issue. For example, one of the penalty factors is the impact of the respondent’s actions on the individuals personally affected and the University community, yet there is no clear process for the complainant, at the time of penalty determination, to provide an impact statement or otherwise explain directly to the administrators who determine the penalties how the conduct affected them and possibly others.⁴⁰ The University could include an explicit acknowledgement of the current practice that some types of misconduct are sufficiently serious so as to warrant removal from the university, either permanently (expulsion) or temporarily (suspension). It could also include further explanation of the penalty factors.⁴¹
- d. The Title IX Office provides an annual report on disciplinary outcomes. It also provides information about non-disciplinary outcomes, but only in a footnote. According to the data provided, most reports are addressed through referrals, provision of interim measures/accommodations, and other non-disciplinary steps. This is a significant part of the work of the Title IX Office and represents the outcomes apparently most sought by

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reporting parties. The Title IX Office therefore may consider providing more information about these outcomes, e.g., specific numbers for how many resulted in issuance of no contact and/or no communication directives, academic or housing accommodations, referrals, were not pursued because of insufficient information, etc.⁴² Data such as this can help to educate the University community about the work of the Title IX Office and further demonstrate its value outside of the investigation/adjudication context.

- e. Similarly, SHARE may wish to consider issuing annual reports with information about its services – number of clients served, status of the client (undergraduate or graduate student, the individual who experienced sexual misconduct, a friend of that person), whether the misconduct occurred before coming to the University or while enrolled, the activities of the SHARE Peer program, the number of training and prevention programs offered and number of participants, etc. This could be a stand-alone report or a joint report with the Title IX Office.

C. Accommodations, Conflicting Needs, and Resolution Models (Charge Questions ##5, 7)

1. While requests for accommodations may initially come to the Title IX Office, requests from undergraduate students also can be made directly to residential college staff and requests from graduate students can be made to one of the assistant graduate school deans. The review team also learned that requests are sometimes made directly to faculty, with faculty instructed to notify the residential college staff or assistant graduate school deans. It is generally up to the residential college staff or assistant deans to arrange for the measures. Presently, though, the only time the Title IX Office is notified of the outcome of a request is when the request is denied; the office may intervene at that point if it feels that the request is reasonable and not a fundamental alteration to the academic program. First, faculty should be reminded to notify residential college staff or the assistant graduate school deans when they receive such requests. In addition, the University may wish to consider implementing a system in which the Title IX Office is notified of the outcome of all requests, including those that are approved. This would help to promote consistency across the residential colleges and graduate schools and also provide data for reporting out to the University community.
2. No contact and no communication directives are types of interim measures/accommodations. The University may wish to clarify the process for reporting violations of such a directive and what steps would be taken to enforce them. The University also may wish to consider making

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these directives of indefinite duration (including even after a finding of no policy violation), rather than requiring that they be renewed every three months.

3. The review team recommends that the University implement a procedure for identifying remedies for a complainant at the time of a finding of a policy violation and even afterwards. At the same time, the University may wish to consider whether there is a need to provide any support to a respondent after a finding of no policy violation, e.g., due to time lost from classes due to the stress of the investigation process.
4. As previously noted, how to provide counseling and support to a respondent-as-complainant in a cross- or counter-claim situation is an increasingly common dilemma at colleges and universities. Although CPS provides counseling to respondents, it does not provide advocacy services in the way that SHARE does. The review team offers no specific recommendations to address this concern, other than for the University to ensure that the respondent-as-complainant has access to the same services as the initial complainant.
5. Finally, the review team offers several suggestions to the work group formed by the Joint Committee to explore alternative resolution practices and/or procedures, and particularly those based on restorative principles. The primary resource for the use of restorative practices for student misconduct of any sort is Campus PRISM, and the work group will find a number of helpful materials on its [website](#).
 - a. Should the work group see value in creating an alternative resolution system based on restorative principles, it will have to deal with the current misunderstandings regarding such procedures even among those on the Joint Committee. In such situations, Campus PRISM has recommended that the college or university consider a gradual approach to implementation in order to educate students, faculty, and staff on its principles and application and to obtain their buy-in. This could mean starting with community-building and healing and forms of student misconduct other than sexual misconduct (e.g., roommate conflicts, disorderly person offenses, etc.) before including at least certain forms of sexual misconduct in the process.⁴³ In determining whether and how to implement a restorative process, the work group should consider issues such as where the process will be housed and whether it can be separated in some way from those involved in implementing the formal process for student misconduct generally and for sexual misconduct in particular (even if kept in the same office); whether the Office of the Ombuds would have some role in the process (and, if so, making their services available when needed at a more central

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location on campus); who should receive initial training (e.g., residence life staff who handle roommate conflicts, student life and other staff who handle other types of misconduct, etc.); whether information developed during the process can be used in a subsequent investigation under the formal process should the alternative process not be successful; and whether to impose time limits on the restorative process to ensure that it is not used to delay implementation of a formal process. To assist the University in its consideration of alternative resolution, attached to this report are a draft information sheet on alternative resolutions generally (Attachment A) and a draft information sheet that a college or university could provide to parties to help them understand the procedures (Attachment B).

- b. As noted above, the CIP is required for certain respondents (determined by their penalty) after they have been found to have violated the sexual misconduct policy, to help them understand the nature and impact of their conduct and to ensure that they are ready to remain on or return to campus. Whether by design or inadvertently, this program includes elements of a restorative approach and could be expanded to involve campus stakeholders to help with (re)integration⁴⁴ and, as a result, transparency, as a way of assuring the campus community that a respondent has been assessed as ready to return and has been equipped with tools and resources in an effort to prevent reoccurrence.⁴⁵
- c. A number of colleges and universities have implemented restorative and other alternative resolution procedures for student misconduct generally and, in some cases, for at least certain types of sexual misconduct.⁴⁶ The webpages for some of these colleges and universities can be a valuable resource for the work group and, indeed, can provide formats for the University on its website should it adopt such alternatives. The [University of San Diego website](#), where Campus PRISM is now located, has useful videos demonstrating how a restorative process works. The sites for [Michigan State University](#) and the [University of Michigan](#) also are particularly helpful, as are those for the [University of California, Irvine](#) the [University of Kentucky](#), and the [College of New Jersey](#).

V. CONCLUSION

Title IX is widely considered one of the most complicated regulatory mandates colleges and universities face. It interacts with (and at times may seem to conflict with) other laws, has been in a state of ongoing flux for the past five years, and increasingly is the basis of litigation across the country. Against this backdrop, many colleges and universities manage to do good work in preventing and responding to incidents under their institutional policies.

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However, it is important to recognize that the best efforts of colleges and universities will not be enough to completely eliminate sexual misconduct. Students do not come to us as blank slates: they have been shaped by their experiences with their families, friends, prior education, and – perhaps most importantly – society at large. Colleges and universities can contribute to this cultural change, and particularly to the climate on campus, but cannot accomplish it alone. The very forces that contribute to a society in which sexual misconduct is tolerated or even condoned must be addressed through fundamental changes throughout the fabric of our society. Moreover, from time to time, cultural expectations and civil rights obligations can be in tension, perhaps even clashing. How an institution responds can be telling.

To be at all successful in preventing and responding to sexual misconduct, a college or university must commit to continuous improvement — assessment as well as action — and continuous engagement at all levels with consideration of all viewpoints and feedback. In this sense, a Title IX program is never fully built yet can be operating exceptionally well. The review team commends Princeton for its Title IX program and also for undertaking efforts to improve and engage and hopes that this report serves those efforts well.

¹ This role is referred to as Title IX Director throughout the report.

² Although the team focused on the processes and support for student complainants and respondents, its recommendations also may apply to faculty and staff.

³ The review team acknowledges and thanks the participants and other individuals who assisted with the process.

⁴ These included Brown University, California Institute of Technology, Columbia University, Cornell University, Dartmouth College, Duke University, Harvard University, Massachusetts Institute of Technology, Stanford University, University of North Carolina at Chapel Hill, University of Pennsylvania, University of Virginia, Virginia Commonwealth University, and Yale University.

⁵ Similarly, the review team was not asked to provide legal advice, and nothing in this report should be considered to be legal advice.

⁶ Currently, new proposed federal regulations are pending; depending upon the requirements of the final regulations, universities may need to alter their policies for legal compliance.

⁷ This site was not available during the review team interviews. All links were reviewed as of August 28, 2019.

⁸ There also is a [document pertaining to cases in which the respondent is a faculty or staff member](#).

⁹ This report uses the terms “reporting student” or “complainant” to describe the individual who reports having been subject to sexual misconduct. It uses the term “accused student” or “respondent” to describe the individual accused of engaging in the misconduct.

¹⁰ Importantly, according to one interviewee, a student had provided the Title IX Office with the names of witnesses who had additional relevant information, but the student was not provided with an explanation for why the witnesses were not contacted. The interviewee therefore questioned whether the practice of the Title IX Office was consistent with the process set forth in the policy.

¹¹ The new Sexual Misconduct Investigations website, under Information for Parties, explains the role of the adviser.

¹² The only confidential employee interviewed was the SHARE Director.

¹³ The SHARE Director provided this information to the review team.

¹⁴ According to interviewees in the review process, the Ombuds Office is not typically used in Title IX matters.

¹⁵ An additional resource on transparency is the [Know Your IX Playbook re. Campus Transparency](#), which states that there are two components to transparency, a school climate survey and data on campus disciplinary outcomes. The University’s web pages provide information on each of these.

¹⁶ Even when names are redacted, providing case details can have the effect of identifying the parties involved. It was noted that detailing case information involving graduate students, in particular, would have a chilling effect on reporting.

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¹⁷ One of the students interviewed had recently participated in training during which this was explained by the Title IX Director. According to the student, this helped to “humanize” the Title IX Office.

¹⁸ The factors have been communicated through the policy which lists them.

¹⁹ In addition, it is not clear if the respondent can accept responsibility under the formal process.

²⁰ Earlier guidance on sexual misconduct from the Office for Civil Rights stated that mediation could not be used for cases of sexual assault, but left its use open for other types of sexual misconduct; it did not prohibit the use of a process based on principles of restorative justice. [Q&A # 7 of OCR’s September 2017 Q&A on Campus Sexual Misconduct](#) specifically allows the use of voluntary informal resolution methods, including (but not limited to) mediation and without limiting it to certain types of sexual misconduct.

²¹ See [letter from Campus PRISM, dated January 25, 2019, Re: Docket No. ED-2018-OCR-0064, RIN 1870-AA14, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#).

²² There appear to be only two college-level prevention programs for which there is research showing a reduction in prevalence. One is the [Green Dot bystander intervention program](#). The other is [Flip the Script](#); developed in Canada, it has been implemented by several U.S. colleges and universities, including Stanford University, the University of Iowa, and Florida Atlantic University. However, Flip the Script is designed to be exclusively for female students, which could run afoul of the U.S. Department of Education’s Office for Civil Rights regulations prohibiting single-sex courses and programs at colleges and universities, 34 C.F.R. §106.34.

²³ One interviewee noted that extensions are sometimes too short, such as an instance in which a survivor received only a twelve hour extension to submit an assignment after a sexual assault. To the extent that is accurate, this example highlights the need to ensure consistency in how accommodations and interim measures are provided.

²⁴ The policy also doesn’t include any provision addressing the impact of the Title IX investigation and adjudication process on respondents after a finding of no policy violation.

²⁵ Duke University includes similar information in its annual [Sexual Misconduct report issued by Student Conduct](#).

²⁶ Virginia Commonwealth University’s case coordination team meets weekly during the academic year (with communication at other times, as needed) and consists of the Title IX Office, Office of the Dean of Students, Student Conduct Office, Residential Life and Housing, University Police, and the Office of University Counsel. Representatives from other offices (e.g., Athletics, Human Resources, etc.) may be asked to attend for particular cases, as appropriate.

²⁷ At Duke University, an assistant dean in the Office of Student Conduct (OSC) handles student intake; the Office for Institutional Equity conducts the investigation; and a different dean in OSC facilitates the hearing. See [Student Sexual Misconduct Policy and Procedures: Duke’s Commitment to Title IX, § V](#). At the California Institute of Technology, the Title IX coordinator or designee does the initial assessment and isn’t directly involved in the investigation/adjudication. See [Caltech Institute Policy: Procedure for Responding to and Resolving Complaints of Gender-Based Misconduct](#). At Virginia Commonwealth University, the deputy Title IX coordinator for students is the primary position for conducting student intake and facilitating support for both parties, among other responsibilities, and is not involved in investigations or adjudications.

²⁸ At Columbia University, intake is done by a case manager who is not involved in the investigation/adjudication. The role of the case manager is to support both parties by explaining rights and the process, facilitating accommodations, making referrals to counseling and support, and providing assistance with navigation of the resolution process once a report is filed as well as after the resolution process. See [Gender-Based Misconduct Policy and Procedures for Students](#), pp. 25 and 31. At [Yale University](#), the Title IX coordinator or two secretaries to the hearing body handle intake and are not involved in investigations or decisions. At [UNC Chapel Hill](#), intake is handled by Report and Response Coordinators in the Equal Opportunity and Compliance Office, with investigations and adjudications handled by others in that office.

²⁹ Columbia University doesn’t designate university staff as advisers but will provide parties with an attorney-adviser at no cost. See [Gender-Based Misconduct Policy and Procedures for Students](#), p. 23. Stanford University will provide the parties with nine hours of attorney time paid for by the University, to be chosen from a list of seven attorneys. See [Stanford Student Title IX Process and Stanford Title IX Administrative Process](#). The University of Pennsylvania designates certain faculty and staff as advisers but allows the parties to select any faculty or staff member as an adviser; “[t]he parties may also retain outside counsel in addition to, or instead of, using an advisor.” [University of Pennsylvania Sexual Misconduct Policy, Resource Offices and Complaint Procedures, p. 6, n. 7](#).

³⁰ For example, [UNC Chapel Hill](#) and [Cornell University](#) allow each party to have an adviser of choice as well as an emotional support person at all meetings and interviews.

³¹ For example, the California Institute of Technology has four deputies, one each for faculty, employees and postdocs, students, and Jet Propulsion Lab employees, who are identified as being able to answer questions and receive reports; [Duke University](#) has some 30 “Harassment Prevention Advisors” throughout its undergraduate college and professional schools who have the same responsibilities; and [Virginia Commonwealth University](#) has three deputy coordinators (one for students, one for employees, and one for Athletics).

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³² The University of Virginia, for example, has a [video](#) on its website featuring the university president, which accompanied the announcement of the most recent campus climate sexual assault survey.

³³ Examples of leadership messaging and awareness campaigns at Virginia Commonwealth University can be found on various platforms including the president’s blog (“[Nine Days of Title IX](#)” in 2019 – social media campaign leading up to Spring Break) and VCU Health news center ([news story about awareness programming](#)).

³⁴ For example, UNC Chapel Hill has a full-time Communications Specialist who provides communications support for the entire Equal Opportunity and Compliance Office, including but not limited to website work, event planning, and social media management.

³⁵ The [California Institute of Technology](#) has two step-by-step “simplified procedures” documents, one on reporting procedures and one on investigation procedures. It also has a [resources card](#), as does Duke University (“[Helpful Tools](#)”) at and Virginia Commonwealth University ([accessible version](#)). The card at VCU has been the most well-received communications tool to date, with every employee provided a wallet-sized perforated hard copy (and extras are used at tabling events). Students often request them, with the University providing a link for them to print in various places (e.g., online training, presentations, etc.). Cornell University has several short [Guides](#) providing targeted FAQs and resources based on the role of the individual (e.g., a complainant guide, a respondent guide, a guide to an investigation, information for advisors and support persons, and information for witnesses). The Harvard University website includes a “[key concepts](#)” section that acknowledges that “the Policy and Procedures may contain phrases and terms that you are encountering for the first time or that you may want to understand better.” It goes on to define such terms and concepts as “adjudication,” “administrative closure,” and “preponderance of the evidence.”

³⁶ Brown University’s website indicates that it is developing three flow charts/information graphics: one for its informal resolution procedures, one for its formal resolution procedures and one for support resources. Brown also is developing an information graphic on the intake and investigation process, describing what happens in an investigation interview, the type of questions asked, etc. Yale University has a [plain-language description of its complaint procedures](#). UNC Chapel Hill has a [flow chart within its procedures](#). Harvard University’s [flow chart](#) explains the investigation process and the options that are available to students who experience sexual or gender based harassment.

³⁷ Virginia Commonwealth University has a new [Title IX Navigation Tool](#), an interactive way/flowchart for users to learn step-by-step about the entire process; “Learn More” options throughout allow the user to control depth of information that opens up at each stage.

³⁸ Brown University’s [video](#) describes the entire process. Similarly, Dartmouth has a [video](#) explaining how to report a complaint of sexual misconduct to the college, taking students through the various steps of the complaint process. Yale University has [several videos](#) produced and performed by students on confidentiality, formal v. informal complaints, SHARE, Title IX coordinators, university police, investigations, hearings, decisions and penalties, etc.

³⁹ One of the students interviewed suggested that the approach of many non-governmental organizations be used, explaining why the Title IX Office does this work, why it is important, how the work is done, and why it can be hard to do — all the while taking care to not discourage students from filing complaints.

⁴⁰ Some schools also provide respondents with the opportunity to provide a mitigation statement when relevant to their penalty/sanctions.

⁴¹ For example, [Brown University’s complaint process](#) (p. 5) provides this information about its sanctioning factors:

- a. Whether or not the circumstances suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence (whether there have been other sexual violence complaints about the same respondent, whether the respondent has a history of violence, whether the respondent threatened further sexual violence or other violence against the student or others);
- b. Whether or not the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances (whether the circumstances reveal a pattern of perpetration, for instance via illicit use of drugs or alcohol, at a given location or by a particular group);
- c. Whether or not the sexual violence was perpetrated with a weapon or had other aggravating considerations;
- d. Whether the respondent upon return to campus would be likely to pose a threat to the safety and/or well-being of the complainant and/or the Brown community generally and, if so, the nature and extent of the threat and steps to effectively mitigate the impact;
- e. The impact of the conduct on the complainant;
- f. The impact of the conduct on the University community, and the need for any sanctions or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community or to maintain a safe and respectful environment conducive to learning, working and living; and
- g. Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

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To the extent that these might further clarify application of the factors used by the University, it may be helpful to incorporate them into the University's penalties web page. *See also* [Yale University](#), (providing scenarios and likely outcomes, including sanctions) and [Stanford University](#) (providing data on reports by incident type, procedure used -- investigation, informal intervention, or "non-hearing resolutions," and outcomes for each type of resolution).

⁴² The reports for [Columbia University](#) provide information on non-investigation outcomes and aggregate data on types of misconduct, status of the parties, outcomes and sanctions. Yale University provides [semi-annual reports](#) including types of misconduct, status and gender of those involved, non-investigative outcomes, and limited summaries of each case (whether going through the formal or informal/non-investigative process).

⁴³ This may already be taking place to some extent. According to information provided the review team by the Vice President for Campus Life, 35 people – primarily residential staff – were trained on the use of restorative principles in the spring of 2018. The Title IX Office was not included in this training.

⁴⁴ *See, e.g.*, [Centre for Justice & Reconciliation](#).

⁴⁵ It should be noted, however, that the CIP currently is not designed or resourced to prepare respondents to engage directly in activities such as restorative circles or restorative justice conferences.

⁴⁶ For example, [Brown University](#) offers mediation for certain types of sexual misconduct. [Columbia University](#) offers both mediation and restorative justice for certain types of sexual misconduct ("To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused.") pp. 29-31. [Duke University](#) offers both mediation and a restorative process without restrictions as to type of sexual misconduct; while the procedures are under development, they are likely to involve the university ombuds. [UNC Chapel Hill](#) offers mediation (but not for sexual assault) and restorative principles. The [California Institute of Technology](#) offers four "formal options" and several non-disciplinary "informal options." The formal options include an administrative resolution (when the respondent accepts responsibility), remedy-based resolution ("non-disciplinary remedies focused on education around issues of concern, remediation of problematic and unhealthy behaviors and the use of other strategies to remedy the situation"), mediation, and formal investigation; the informal options include a direct conversation with the offending individual, obtaining accommodations and supports, or resolving the complaint with the help of a faculty member, supervisor, or manager. The [University of Virginia](#) also offers resolution with the assistance of a third party, mediation, restorative remedies, and "actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities."