

Faculty-Student Advisory Committee on Sexual Misconduct

2017-2018 Recommendations

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TABLE OF CONTENTS

INTRODUCTION	2
THE FACULTY-STUDENT ADVISORY COMMITTEE ON SEXUAL MISCONDUCT	2
SEXUAL HARASSMENT	3
ELEMENTS OF A HEALTHY CAMPUS CLIMATE	6
TRAINING	6
CONFLICT OF INTEREST	7
PENALTIES AND APPEALS	8
DISCIPLINARY PENALTIES, GENERALLY	8
PENALTIES AND APPEALS IN CASES INVOLVING FACULTY RESPONDENTS	9
TRANSPARENCY ABOUT PENALTIES	10
RELATIONSHIPS BETWEEN INDIVIDUALS OF DIFFERENT UNIVERSITY STATUS	14
CONCLUSION	16
APPENDIX	17

Faculty-Student Committee on Sexual Misconduct

2017-2018

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I. Introduction

Sexual misconduct can undermine the academic prospects, working conditions, living environment, and health of members of our campus community. The University is committed to, and has the responsibility to, ensure that all of its members can learn, work, and thrive in a safe, supportive, and fair environment, free from sexual misconduct and other forms of impermissible discrimination. As such, it supports complainants¹ and victims during Title IX investigations and throughout their time at Princeton, investigates complaints diligently, fairly and impartially, and assigns appropriate penalties to respondents when the evidence establishes violations of our policies.

II. The Faculty-Student Advisory Committee on Sexual Misconduct

The Faculty-Student Advisory Committee on Sexual Misconduct, comprising faculty members, administrators, graduate students, and undergraduates, was established in 2014 to serve as an advisory group to the University President and Provost regarding Princeton's work to prevent sex discrimination and sexual misconduct. We conduct our work in conjunction with applicable legal guidance, including federal guidance regarding Title IX of the Education Amendments of 1972, the law which prohibits sex-based discrimination in higher education, and Title VII of the Civil Rights Act of 1964, which similarly prohibits sex-based discrimination in the workplace. Among our responsibilities, the Committee:

- Identifies and recommends strategies to ensure that students understand their rights under Title IX and the University's related policy and procedures, and understand how to report possible violations of Title IX and/or the Policy;
- Recommends strategies for improving the effectiveness of the University's procedures, support services, and resources available to students;
- Offers input regarding programming focused on the prevention of sex discrimination and sexual misconduct, including outreach and educational activities;
- Makes [annual recommendations](#) related to training and programming; and
- Organizes the administration and review of the [We Speak survey](#).

¹ We use the term "complainant" to describe the person who alleges that they have been a victim of sexual misconduct; we use the term "respondent" to describe the person who is alleged to have committed sexual misconduct.

Over the course of the 2017-2018 academic year, the Committee engaged in several activities to identify ways to prevent sexual misconduct. These activities included analyzing and publishing results of the We Speak Survey and working with academic departments to develop best practices for a healthy climate. In the fall, the Committee received questions about whether and how our policies, procedures, and practices prevent and respond to sexual harassment, and whether there are opportunities for further improvement. Given the importance of these issues, we hosted multiple open meetings during November and December 2017 and solicited written feedback from the community about sexual misconduct. In gathering input, we witnessed the thoughtful reflection and commitment that members of our community have with respect to these issues. We heard concerns related to sexual misconduct generally, but many of the concerns raised pertained specifically to sexual harassment that involved power differentials, particularly situations involving faculty members engaging in harassing and/or inappropriate conduct toward graduate students. We used these open meeting discussions, written feedback, and data from the We Speak survey to inform the Committee's discussions and the recommendations we make below.

We want to express our thanks for the many suggestions and ideas that we received and continue to receive—we understand how difficult it is to discuss these issues, particularly for those who have been harmed. If you would like to talk to someone about questions or concerns relating to sexual misconduct, we want to remind you of the [confidential resources](#) that are available on campus. As a community, we should commit ourselves to continuing these difficult discussions. We hope that this report will help the University community to create an inclusive environment by [practicing healthy and respectful behaviors](#), [intervening to support and protect the well-being of others](#), and [reporting potential misconduct](#).

III. **Sexual Harassment**

In this report, we use the University's definition of sexual harassment, which is stated below and as implemented in the Title IX process. Sexual harassment is a type of sexual misconduct that falls under Princeton's [Policy on Sex Discrimination and Sexual Misconduct](#) ("Policy").² As defined by our Policy, sexual harassment is "unwelcome verbal or physical behavior which is directed at a person based on sex,

² The other forms of sexual misconduct that are prohibited under the [Policy](#) are non-consensual sexual penetration; non-consensual sexual contact; sexual exploitation; inappropriate conduct related to sex, gender identity, or gender expression; intimate relationship violence; domestic violence; stalking; and retaliation. In addition, the Policy prohibits sex discrimination.

gender identity or gender expression, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment." The Policy further states that "sexual harassment is deemed especially serious when submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions." Sexual harassment may be accompanied by other types of sex- or gender-based discrimination or sexual misconduct or violations of other University policies.

Research shows that sexual harassment is facilitated by environments in which power differentials are amplified.³ In an academic context there are power differentials between students and faculty, and among faculty of different ranks. Sexual harassment of students by faculty members or other intellectual mentors is of special concern in an academic context like that of Princeton. Graduate students, postdoctoral fellows, instructors and untenured professors, and other early career scholars are highly dependent on the goodwill of their senior colleagues, professors, and advisers as they seek to establish their academic careers. Harassment of these individuals undermines the University's mission of teaching and research by violating professional boundaries, abusing trust, and introducing unfairness and bias into the educational experience. Moreover, the disproportionate impact of sexual harassment on women subverts Princeton's efforts to diversify the academy. [Recent research](#) by Heather McLaughlin, Christopher Uggen, and Amy Blackstone demonstrates that women who experience sexual harassment in the workplace are six-and-a-half times more likely to leave their jobs compared to women who do not have such experiences.

In the [2017 We Speak survey](#), which surveyed Princeton undergraduate and graduate students about their experiences at the University:

- 9% of undergraduate women, 8% of graduate women, 3% of undergraduate men, and 1% of graduate men indicated that they had experienced sexual harassment during the 2016-2017 school year.

³ www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf;
www.nytimes.com/interactive/2017/12/28/upshot/sexual-harassment-survey-600-men.html.

- Of the 8% of graduate students who reported experiencing sexual harassment, 23% of the incidents involved an employee/staff member, faculty member, and/or postdoc, while 46% involved another Princeton graduate student; 43% of the most serious incidents occurred in their working environment.

The 2017 We Speak data also show that incidents of sexual harassment are underreported.

- Of the graduate women who reported experiencing sexual harassment during the 2016-2017 school year, 18% of those women reported the matter to non-confidential University resources (the Title IX Office, a professor or administrator, or the Department of Public Safety), and 11% of those women reported to a confidential University resource (Sexual Harassment/Assault Advising, Resources, and Education (SHARE) or Counseling and Psychological Services).
- Of those graduate students who indicated on the We Speak survey that they experienced harassment, 41% of those who chose not to tell anyone about the sexual harassment feared that telling someone would negatively impact their work relationships or be damaging to their career.

At the national level, the Association of American Universities (AAU) [2015 survey](#) found that 44% of female graduate students reported being sexually harassed since they became a student at their university, with 33% of the situations involving a faculty member, staff member, or administrator

At the national level, the 2015 AAU survey found that reporting rates (to university resources or law enforcement) by female students (graduate and undergraduate) for sexual harassment was 9%.

Research shows that sexual harassment is facilitated by environments in which disrespect is tolerated and/or ignored.⁴ In addition to sex- and gender-based harassment, these disrespectful behaviors may include other forms of bias based on personal characteristics, bullying, and/or misuse or destruction of property.⁵ According to a [recent study](#) by Nancy Chi Cantalupo and William C. Kidder, sexual misconduct by faculty in the United States extends beyond verbal harassment/behavior. About half (53%) of the cases reviewed for their study involved faculty alleged to have engaged in unwelcome physical contact, including groping and sexual assault. Moreover, about half (53%) of the cases involved

⁴ www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

⁵ www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf; www.nytimes.com/interactive/2017/12/28/upshot/sexual-harassment-survey-600-men.html.

professors allegedly engaged in serial sexual harassment. Taken together, the We Speak data and national data indicate that Princeton's environment resembles national trends regarding sexual harassment, and that these outcomes are unacceptably undermining the well-being of our community.

IV. Elements of a Healthy Campus Climate

A healthy, supportive climate is an ongoing community responsibility. We learned that the University needs to do more to foster a healthy climate, including providing community members with information about how to support those who have experienced sexual misconduct and/or choose to report potential sexual misconduct. This report therefore includes an Appendix with descriptions of confidential resources, interim and long-term measures to support parties, and community responsibilities regarding reporting and non-retaliation. To ensure its ready availability, this information has also been added to the [FAQs regarding Sexual Misconduct](#).

V. Training

Over the years, to facilitate a healthy campus climate, our Committee has [recommended](#) and implemented many forms of training for various members of our campus community, recognizing that individuals learn in a variety of different ways, and that learning is best achieved through different mediums and formats which are provided on an ongoing basis.⁶ We believe that regular training, customized to each audience, is essential. Individuals who are involved in investigating, adjudicating, setting discipline, or hearing appeals for complaints of sexual misconduct already receive training and will continue to do so on a regular basis. However, we believe that additional training is necessary to ensure that all members of the campus community understand their roles in promoting compliance with University policy and combatting sexual misconduct.

We recommend expanded training in several areas, including the following:

- **New faculty orientation should be expanded** to include dedicated discussion of the prevalence of sexual misconduct on our campus, faculty members' obligation to report potential misconduct, bystander intervention, and preventing retaliation.

⁶ For example, online training regarding sexual misconduct is required for all incoming first year undergraduates and graduate students, and online training regarding sexual harassment is required for all employees and second-year graduate students. A variety of in-person workshops are also provided, upon request, to faculty, staff, and students. See [Prevention Efforts](#) for more information regarding ongoing educational initiatives.

- **Mandatory faculty and staff training should be redesigned**, both in content and format, to ensure that faculty learn and internalize the information about (in)appropriate behavior, responsibilities, confidential resources, and penalties. (Mandatory training is currently provided online and is required for all employees every three years, as well as for all new employees).
- **Supplemental “booster” training sessions for faculty and staff should be offered** in multiple formats. These sessions should be promoted by individual departments, recognizing that departmental culture will best evolve and improve if its members (faculty, staff, and students) actively engage in addressing these issues.
- **Department chairs and directors of graduate studies** (both of whom have already received extensive training regarding sexual misconduct) **should receive supplemental training** on an annual basis that addresses bystander intervention, supporting graduate students throughout and following a Title IX investigation, and preventing retaliation.
- **A list of “best practices” should be developed** to guide departments in implementing measures within their departments to support a healthy, respectful environment free from discrimination and harassment. This material should result from a collaborative effort by The Title IX Office, Graduate School, and Office of the Dean of the Faculty.

VI. Conflict of Interest

The feedback we received renders it apparent that the process for managing conflict of interest is a source of concern and that current practices have not been clearly communicated to the community. We use this opportunity to summarize the existing procedures. **We recommend making these procedures more explicit to the community through orientation and sexual misconduct training sessions.**

University policy establishes that those who investigate and adjudicate sexual misconduct matters must be [impartial and unbiased](#). In addition, under existing procedures, all individuals who are involved in the Title IX process, including those who set penalties and hear appeals, are required to identify any real or perceived conflicts of interest and recuse themselves as necessary. Further, complainants and respondents in Title IX matters can suggest that a particular individual be recused from their case due to concerns of bias or lack of impartiality. The ultimate decision concerning whether recusal is warranted rests with the Provost.

VII. Penalties and Appeals

Some community members have expressed concerns and the desire for greater clarity about the procedures used and the handling of outcomes in cases in which the respondent is a faculty member. We understand that these procedures are a subject of concern and confusion, which could contribute to a perception that the University does not handle these matters fairly. We want to avoid the possibility of diminished trust in the Title IX process, which could undermine the reporting that is essential to addressing and stopping misconduct.

We therefore use this opportunity to provide a review of current University philosophy and process related to penalties, as well as to address specific concerns that have been raised. We also offer recommendations for moving forward.

1. *Disciplinary Penalties, Generally*

In matters of sexual misconduct, our policies use penalties to fulfill two purposes. First, in compliance with the requirements of Title IX, they are used to “end the [behavior], prevent its recurrence, and remedy its effects.”⁷ Second, penalties are also the mechanism for upholding our community standards; that is, they reflect the degree to which the conduct violates University values as expressed by University policies.

In order for a disciplinary process to treat all parties fairly and consistently, it must assess the extent of the policy violation objectively. To this end, the intentions or level of remorse of the respondent (i.e., if the respondent did not intend to harm the complainant, or if the respondent expresses remorse for the actions) do not mitigate a penalty. Similarly, penalties cannot be assigned based on the complainant’s personal sense of harm.⁸ (The University is committed to supporting those who have been harmed; see the Appendix regarding Institutional Support).

Within each category of sexual misconduct violation, there can be a range of behavior (e.g., sexual harassment, inappropriate conduct based on sex or gender, stalking, intimate partner violence, etc.).

⁷ www.nccpsafety.org/assets/files/library/Revised_Sexual_Harassment_Guidance_2001.pdf.

⁸ We use the term “complainant” to describe the person who alleges that they have been a victim of sexual misconduct; we use the term “respondent” to describe the person who is alleged to have committed sexual misconduct.

Penalties must be both consistent among similar cases and proportionate to the behavior and unique circumstances of each case. In all cases, penalties are determined first and foremost based on the egregiousness of the conduct; previous disciplinary history is also a factor. Moreover, all those found responsible for sexual misconduct (regardless of the penalty) are required to participate in the Community Integrity Program, an individualized curriculum administered by a clinical psychologist; the only exception includes cases where the respondent is permanently removed from the University, in which case they are no longer part of the University community. The Community Integrity Program is never the sole form of discipline; it is always a supplement to other penalties. Thus, we believe that it is appropriate to maintain the current presumption that each case will be evaluated based on its facts, that the penalty will be determined based on those facts, and that more egregious violations of conduct will be disciplined more severely. Given these concerns, we do not have automatic penalties for specific violations but without any doubt the penalties increase as the violations and circumstances become more severe.

2. *Penalties and appeals in cases involving faculty respondents*

[Rights, Rules, Responsibilities](#) provides information about penalties that are applicable to [students](#) and includes a link to related information for [staff](#) respondents. Although there has always been a similar range of penalties applicable to faculty, in the past this information was not published and available to the campus community. The full list of penalties applicable to faculty has now been added to both [Rights, Rules, Responsibilities](#) and the [Rules and Procedures of the Faculty](#).

We heard concerns about the possibility that sexual misconduct might be judged or sanctioned differently based on a variety of faculty-related factors, including, but not limited to rank, seniority, and/or grant funding. As well, some community members questioned whether the determination of faculty penalties is overly reliant on historical precedents. Although there is recognition that precedents play an important role in creating consistency and fairness, societal views of sexual misconduct have evolved over time to account for the significant harm and impact on individuals and organizations. Although our Committee does not directly review outcomes or sanctions, some administrators who serve on the Committee do have access to this information. **Therefore, we are able to confirm that factors such as rank, seniority and grant funding are not relevant to outcomes or sanctions and that use of precedents in faculty-related cases is reviewed and updated appropriately.**

Some individuals expressed concerns that the Dean of the Faculty is the sole administrator responsible for determining sanctions once a faculty respondent is found responsible for violating the Policy. We received the suggestion that larger groups – perhaps involving students – should participate in setting penalties in cases involving faculty respondents. There are a number of reasons why these decisions are most appropriately made by a limited number of administrators: those who set penalties are required to go through extensive and ongoing training; they need to review prior case files that contain Family Educational Rights and Privacy Act (FERPA)-protected confidential information relating to other students; and they must be available to participate in the time-consuming case file review without regard to conflicting responsibilities or the academic calendar. In addition, on a relatively small campus such as ours, student complainants often do not wish for their peers to be privy to such sensitive information. The current University Policy allows the Dean of the Faculty to consult informally with other senior administrators in determining penalties. **Our committee recommends that careful evaluation and consideration be given to the possibility of formalizing the existing consultative process.**

Some community members expressed the desire for student complainants in cases involving faculty respondents to have the same three grounds of appeal as student complainants in cases involving student respondents.⁹ The Committee recognizes the policy and operational complexities inherent in this suggestion. We **recommend that it receive careful evaluation and consideration by appropriate University bodies.**

3. *Transparency about penalties*

Some members of our community have questioned whether the University’s sexual misconduct policies, procedures, and the outcomes of disciplinary proceedings are sufficiently transparent. We recognize that transparency is essential to create the trust and accountability needed for our Title IX process and community values to thrive. The University publishes and makes its policies and procedures related to sexual misconduct available to the community through various resources, including our [Title IX and Sexual Misconduct webpage](#) and [Rights, Rules, Responsibilities](#). It also publishes annual [Sex](#)

⁹ In cases involving student respondents, the complainant or respondent “may file a written appeal on the grounds that: (1) there is substantial relevant information that was not presented, and reasonably could not have been presented during the investigation; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct, or (3) there was procedural unfairness during the disciplinary process.” See [Rights, Rules, Responsibilities section 1.3.12\(3\)](#).

[Discrimination and Sexual Misconduct Discipline Reports](#) that include, among other things, the number of cases adjudicated the prior academic year, the outcome of those cases, the nature of the violations, the role of the respondents within the institution (i.e., student, faculty or staff) and, in general terms, the nature of the discipline imposed. However, it became clear to us that some members of our community perceive the need for the University to undertake additional efforts to educate students, faculty, and staff about its policies and procedures, and to disclose details about particular matters even as cases are being adjudicated (or shortly afterwards). We acknowledge these concerns — particularly the desire for contemporaneous and greater disclosure concerning the facts and penalties in specific cases — but also the complexities transparency presents in this context.

First, in striving for greater transparency, the University has the responsibility to afford appropriate protection to the privacy of all involved, including complainants, others who report potential policy violations, and individuals who serve as witnesses. More often than not, it is difficult for complainants to decide to come forward and to recover from a harmful experience. In striving for greater transparency, complainants' rights to maintain their privacy and choose how to manage their situations cannot be compromised, and these decisions vary for each individual. It is not difficult to imagine a situation where the University's sharing of information with the community in the name of transparency would effectively identify a complainant and/or witnesses against their wishes. Thus, supporting complainants' privacy and well-being is a high priority. Similarly, the University depends on the willingness of witnesses and others who become aware of potential sexual misconduct to report and to testify in sexual misconduct investigations; it does not have the means to compel participation. As a result, our policies and practices must acknowledge and endeavor to accommodate the privacy interests of individual witnesses; to do otherwise risks a chilling effect that could impede our ability to investigate complaints and to discipline those found to have violated our policies. Accordingly, the University must balance the protection of complainants and witnesses with the interest in increased transparency.

Second, in all cases involving students, the University must comply with the requirements of applicable law. For example, FERPA generally prohibits the University (including its employees) from disclosing information derived from a student's education records without the student's permission. This includes information that directly reveals the identity of any student or that, when combined with other information known to the community, could effectively identify any student. FERPA is applicable to the University even when students choose to disclose information about themselves. As a result, the

University is constrained from commenting on cases involving students and must take care to maintain the confidentiality of information that could be used to infer the identities of complainants or witnesses who are students.

Third, our obligation to be fair and to provide due process to all members of our community also requires attention to the interests of respondents. Except in the most extraordinary of circumstances, making public comments or disclosing details about matters under investigation would raise questions about the fairness and integrity of the University's sexual misconduct proceedings and adjudications. Even after cases are adjudicated, the appropriateness of specific disclosures must be carefully evaluated in the context of the totality of the circumstances. For example, in cases that do not result in permanent separation from the University, respondents found responsible continue to be members of the campus community, and publication of all aspects of penalties could impede their ability to remediate and/or continue as productive members of the community following completion of discipline.

Finally, we note that some members of the community believe that the University's current practices concerning the disclosure of penalties in cases involving student complainants and faculty and staff respondents merit reconsideration. Currently, when members of the faculty or staff are found responsible of sexual misconduct, the University only informs complainants about those elements of the penalty that most directly affect them—for example, if the respondent was no longer employed at the University or would no longer be interacting with them. However, not disclosing the full scope of penalties to complainants has the potential to create distress and confusion for those who believe they lack the information to assess the fairness of the discipline and understand its full implications. This issue is particularly acute relative to students, who study, socialize and — most often — live at the University, and whose ability to function effectively on campus is integral to their academic success. Also, the current approach relative to the disclosure of penalties has led to a misconception that the University does not penalize with appropriate severity.

We recognize that crafting an approach to sharing the full penalty with the complainant and community is challenging. We note that some community members expressed a strong desire that the full penalty be shared with the complainant in cases involving faculty. **We recommend that this possibility receive careful evaluation and consideration.**

Below we offer recommendations relevant to specific transparency issues that we encourage the University to consider:

- Transparency regarding specific cases: Past practice has been to limit the number of individuals who have access to information about an investigation or its outcome. As noted, this protects the privacy of all parties and meets the requirements of FERPA. Academic department chairs are routinely informed of relevant information about the outcome in cases involving faculty, and directors of graduate studies are similarly informed in cases involving graduate students. Providing an appropriate level of information to additional individuals affiliated with academic departments would enable these individuals to serve as resources to complainants following investigations and to assist with administering, implementing, and monitoring discipline and remediation for those found responsible for sexual misconduct. Every case is different, so the identities of the specific individuals who are made aware of these details would need to vary based on the specific circumstances in each case. In general, **we recommend appropriately expanding the circle of those who are informed of relevant information and informing both parties to the complaint of who has access to that information.**
- Transparency to the broader Princeton community: We understand that the broader community's desire to be informed of case details is in tension with respecting the right to privacy of complainants and respondents. We believe that these rights to privacy should be prioritized over the community's desire to learn details of cases. Currently, a de-identified, [aggregate report of cases](#) is prepared annually. **We recommend providing the community with additional details regarding the types of behaviors that have occurred on our campus, as well as consequences for respondents**, as this will serve as a way of educating our community regarding how the University treats these matters, while still respecting the privacy rights of complainants. The Title IX Office should consider how to best do this in a way that protects complainants' privacy.
- Transparency beyond the Princeton community: Community members have asked how Princeton handles disclosures about violations of the University's Policy on Sex Discrimination and Sexual Misconduct when faculty or staff respondents leave the University.¹⁰ In any situation where there is an investigation and finding of sexual misconduct, it is the University's practice to disclose that information in response to an inquiry made by potential employers to the Offices

¹⁰ Individuals can leave the University temporarily or permanently through a variety of mechanisms including administrative leaves (for faculty or staff), and/or suspension or termination (for students, faculty or staff).

of the Dean of the Faculty or Human Resources. **This information has been added to the [FAQs Regarding Sexual Misconduct](#).**

- **Background and reference checks**: Questions have also been raised regarding the information the University requires regarding faculty and staff members hired each year. All University employees are required to complete criminal background checks prior to hire. In addition, applicants are required to answer questions regarding whether they were previously found responsible for disciplinary violations; if material dishonesty is discovered in the responses to these questions, the University's practice has been to rescind employment offers or dismiss the employee. However, concerns linger that a more robust inquiry is needed, particularly with respect to how information about a candidate's prior history of sexual misconduct is ascertained through reference checks. **We recommend that the Offices of the Dean of the Faculty and Human Resources explore a centralized and standardized process through which candidates are vetted with respect to issues of sexual misconduct.**

VIII. Relationships between individuals of different University status

Based on campus feedback, the University policy with respect to consensual sexual and/or romantic relationships involving individuals of different University status (i.e., undergraduates, graduate students, faculty, and staff members of different ranks) needs to be clarified. Such interactions do not fall under the Sex Discrimination and Sexual Misconduct Policy but are addressed under other University policies. (This distinction is discussed in [Rights, Rules, Responsibilities 1.3.4](#)).

The primary concerns raised pertain to sexual and/or romantic relationships between faculty members and students. The University's [Consensual Relations with Students Policy](#), which is a policy within the [Rules and Procedures of the Faculty of Princeton University](#), prohibits faculty members from "initiating or engaging in romantic or sexual behavior with undergraduate students." It further prohibits sexual relationships between any student (including undergraduate and graduate students) and any University teaching/research staff directly instructing or supervising them. This policy states:

no faculty member, researcher, graduate student, visiting student, or undergraduate course assistant shall initiate or engage in a romantic or sexual behavior with any student, including a graduate student or DCE [dissertation completion enrollment] student, who is enrolled in a course taught by that individual or otherwise subject to that individual's academic supervision or evaluation. Academic supervision includes teaching, advising, supervising research, supervising teaching or grading, and serving as Departmental Representative or DGS of the

student's academic program. Academic evaluation includes assigning grades, evaluating degree progress, serving as a committee member, and providing letters of reference.¹¹

Some members of our community have told us that they believe that all relationships involving individuals between whom there is a power differential should be defined as sexual misconduct, even when the individuals involved view their relationship as consensual. As outlined, certain relationships are prohibited by the Consensual Relations Policy, and all unwelcome conduct is prohibited by the Sex Discrimination and Sexual Misconduct Policy. Beyond these strict boundaries, faculty, staff, and graduate students currently have the right to consensually define the nature of their relationships, even though a power differential may be involved. We note, however, that consent is extremely hard to establish when there is a power differential; moreover, consensual relationships that go awry sometimes evolve into sexual misconduct, at which point the Sex Discrimination and Sexual Misconduct Policy becomes applicable.

It is important for our community to understand which types of consensual relationships are permitted or prohibited on campus and how violations of the Consensual Relations Policy are handled. The campus community would benefit from greater clarity regarding how reports of alleged violations should be made, how these matters are distinguished from sexual misconduct matters, and how investigations and adjudications are conducted. **Because the Consensual Relations with Students Policy falls outside the purview of this Committee, we recommend that the Faculty Advisory Committee on Policy provide this clarity.**

¹¹ Some community members have expressed a belief that it is possible to receive permission to be exempted from this policy if the relationship is disclosed to a department chair or the Office of the Dean of the Faculty. Neither policy nor practice permits a faculty member to avoid violation of the policy in this way.

IX. Conclusion

Our Committee's role is to advise the President, Provost and University administration regarding Princeton's work to prevent sex discrimination and sexual misconduct. Based on the We Speak Survey data and conversations with members of the community, this report provides recommendations for creating a healthy campus climate. It has been both a privilege and challenge for our Committee to hear from members of our community. We have been impressed by the seriousness and thoughtfulness of their concerns and questions. We have tried to convey the concerns we heard faithfully, while offering our own observations and recommendations. We hope that this report provides clarification, as well as strategies for expanded communication.

We will continue to work with the entire campus community to improve life at Princeton. We ask all members of the community to participate in making Princeton an environment free of sexual harassment and misconduct, and in creating a climate of respect and support. We welcome your continued feedback and suggestions (facultystudentcommittee@princeton.edu).

APPENDIX

Support for those who have experienced sexual misconduct

The University provides support to those who believe they have experienced sexual misconduct — before, during, and after an investigation. We use this opportunity to summarize the resources available. We will work with the Graduate School and all academic departments to provide information about these resources during orientation and during meetings throughout the academic year.

a. *Confidential Resources*

There are [several options](#) that individuals who feel they have experienced sexual misconduct may wish to pursue, including consultation with a [confidential resource](#)¹² and/or filing a complaint, internally and/or criminally. We recognize that deciding among these options can be difficult, and individuals are encouraged to seek assistance from a confidential resource before deciding how to proceed. Consulting with a confidential resource allows the individual the opportunity to consider all of their options, without triggering a formal University investigation (unless the complainant chooses to do so).

- The SHARE office is a particularly important confidential resource for those who experience sexual harassment. SHARE is a survivor-centered, trauma-informed confidential resource on campus. It provides crisis response, support, short-term counseling, advocacy, education, and referral services to those who are dealing with incidents of interpersonal violence and abuse, including sexual harassment, sexual assault, dating/domestic violence, and stalking.
- Confidential support is also available through [Counseling and Psychological Services](#), the [Office of Religious Life Chaplains](#), the [Ombuds Office](#), [Womanspace](#), and [Carebridge](#).

¹² Conversations with [Confidential Resources](#) are privileged. Information shared with Confidential Resources (including information about whether an individual has received services) will only be disclosed to the Title IX Coordinator or any other person with the individual's express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor).

b. Interim and Long-term measures

[Interim measures](#) are available to those who feel they have experienced sexual misconduct to ensure that their educational or workplace experience is preserved; these measures are available both to those who proceed with formal investigations and those who choose not to do so.

- Prior to initiating an investigation, the Title IX Office works closely with the complainant (often over a period of several weeks) to determine how best to support and protect the complainant through the investigation. This is a nuanced process that is highly individualized. For example, in a case involving allegations by a graduate student, the Title IX Office might work with the Graduate School Deans to assist the student in changing courses, switching advisers, changing departments, arranging for alternate graders/evaluators/committees, obtaining extensions, etc. In any case, no action – including notification of the respondent – would be taken prior to extensive consultation with the complainant.
- The University has and will continue to support complainants so that their immigration and/or financial aid are not affected.
- In some cases, sexual misconduct investigations can broadly impact departments whose students, faculty, or staff are involved. The Title IX Office routinely works with departments following investigations to provide department-wide support and remediation; it is important that departments support and participate in this partnership.

Community Responsibilities

All members of the Princeton community must understand their reporting responsibilities with respect to sexual misconduct. We want to take this opportunity to remind readers of these responsibilities, which contribute to a safe and respectful environment. We will continue to work to make sure this information is disseminated during orientations (faculty, student, and staff) and discussed in academic units throughout the academic year.

a. *Reporting*

As described in this [video](#) and [FAQs](#), University [Policy](#) requires all employees (other than those designated as Confidential Resources) to report suspected sexual misconduct. It is critical that faculty, post-doctoral fellows and staff members report these issues to the Title IX Office. Deliberately

withholding knowledge regarding sexual misconduct is a violation of University policy that can result in severe discipline for those who fail to report. Reporting sexual misconduct guarantees that those who believe they have experienced sexual misconduct are uniformly provided with information regarding resources, options, and accommodations that are available to them (and this information is best provided through the Title IX Office). Additionally, reporting sexual misconduct allows the University to consider the best interests of the whole campus community, including whether the alleged conduct presents a continued serious threat.

It is helpful for members of the community to understand what transpires when a report is made to the Title IX Office. Reports are treated as highly private matters, necessitating the utmost discretion. Most often, a person making a report to the Title IX Office is seeking information about options and resources. In the vast majority of these situations, a report will result only in the provision of information (relating to confidential resources, reporting options, and accommodations) to the person who makes the report. In a small percentage of situations (for example, in situations involving weapons or in which the alleged perpetrator is a repeat offender), the Title IX Office will ask the person who believes she or he has experienced harassment to meet to discuss potential further action. The [Title IX](#) and [SHARE](#) offices can answer questions about how to report and what happens when a matter is reported.

We recognize that reporting suspected sexual misconduct, particularly when it may involve colleagues, is difficult. It is not uncommon for individuals to rationalize away the need to report because “it’s just a rumor,” “I didn’t see or hear anything personally,” or “I didn’t want to ruin someone’s career.” However, the University’s expectation is that members of our community will treat sharing and reporting these types of concerns as the norm. It is only through reporting that we are able to protect those who feel they have been harassed from harm, and to investigate, and if appropriate discipline (or set the record straight concerning) those accused of violating our policies and community standards. Prompt reporting allows the University to identify potential repeat behavior that might be affecting multiple individuals unbeknownst to them. Prompt reporting also benefits those who may have inadvertently engaged in conduct that made others around them uncomfortable, as upon being so advised they will be in a position to modify their conduct.

b. *Non-retaliation*

One significant reason that individuals do not report suspected sexual misconduct is because they are fearful of retaliation in some form. This fear is felt by both those who believe they have experienced sexual misconduct and third parties (including faculty members) who wish to report sexual misconduct — all of whom worry about short-term and long-term personal and professional repercussions. In addition, there is concern not only that a respondent may retaliate, but that others (for example, supporters or friends of the respondent) will engage in retaliatory behavior.

[Retaliation](#) against an individual or group of individuals involved in filing a complaint or report or participating in a disciplinary process (as a complainant or a witness) is prohibited. Retaliatory behavior is subject to investigation and, if substantiated, will result in discipline proportionate to the conduct, in accordance with University policy.

In investigations involving faculty respondents, complainants are encouraged to share any concerns related to retaliation (both throughout and following the investigation), and respondents are reminded at the start of the investigation about the University's policy against retaliation.

Outcome letters to all respondents (including faculty members) will include language reiterating University policy regarding retaliation. In addition, when outcome information is shared with any other individuals following an investigation, these individuals will also be reminded regarding University policy prohibiting retaliation, as they will be in positions to monitor conduct within their departments.