

ASSOCIATED STUDENTS OF
WHITMAN COLLEGE
STUDENT SENATE
SESSION 2015 SPRING TERM

IN THE SENATE
RESOLUTION SRS15.1

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A Resolution Advocating for Changes to Whitman's Sexual Misconduct Policy

WHEREAS the Associated Students of Whitman College (ASWC) is committed to ensuring that campus is a safe and supportive environment for survivors of sexual violence; and

WHEREAS ASWC believes that changes to Whitman's sexual misconduct policy should be made to better support survivors of sexual violence in the Whitman community; and

WHEREAS according to Sexual Trauma and Assault Response Services (STARS), victims of sexual assault are three times more likely to suffer from depression, six times more likely to suffer from post-traumatic stress disorder (PTSD), and four times more likely to contemplate suicide;¹ and

WHEREAS repeat offenders perpetrate 9 out of 10 campus rapes, and each commits an average of 5.8 rapes²; and

WHEREAS Whitman is currently under investigation by the Office of Civil Rights (OCR) in response to two separate complaints about its sexual misconduct policy; and

WHEREAS six complaints against the College have been filed with the OCR in the past two years³, indicating a dissatisfaction with the existing Title IX investigation process; and

WHEREAS students have expressed frustrations with the inability to appeal a "no finding" ruling in an investigation, as well as with the ineffective implementation of sexual misconduct policies at Whitman^{4, 5}; and

WHEREAS the reporting process can create a stressful environment for the complainant, including the

¹ "Statistics." *Sexual Trauma and Assault Response Services - STARS*. Web. 06 Dec 2014.

² Lisak, David, and Paul M. Miller. "Repeat Rape and Multiple Offending Among Undetected Rapists." *Violence and Victims* 17.1 (2002): 73-84. Web.

³ Johnson, Lachlan. "Office of Civil Rights investigations continue." *The Pioneer* [Walla Walla, WA]. 11 December 2014. Web. 1 January 2015.

⁴ Grainger-Shuba, Samantha. "Sexual Assault Survivors Unhappy With Investigative Process." *The Pioneer* [Walla Walla, Wa] 25 Sept. 2014 *Whitmanpioneer.com*. 25 Sept. 2014. Web. 10 Oct. 2014.

⁵ Grainger-Shuba, Samantha. "Ahead of the Curve?: Investigating Sexual Assault on Campus." *The Pioneer* [Walla Walla, Wa] 02 Oct. 2014. Web. 10 Oct. 2014.

complainant's close proximity to their perpetrator(s) on a daily basis, the traumatic experience of the reporting process, and the perpetuation of rape culture; and

WHEREAS surviving as well as reporting sexual violence can cause extreme academic hardship; and

WHEREAS existing resources to redress and accommodate any trauma-related academic failures resulting from incidents of sexual violence are insufficiently publicized; and

WHEREAS Davidson College has a policy that exempts students from certain academic responsibilities that can be impeded as a result of the stressful investigative process, including the option of exemption from reviews or examinations during the investigation for both the complainant and the respondent⁶; and

WHEREAS rape culture⁷, such as victim blaming, is prevalent in our society and at Whitman, and negatively affects survivors undergoing the reporting process.

THEREFORE BE IT RESOLVED that we, the Associated Students of Whitman College (ASWC), strongly urge the Whitman College Administration and Faculty to implement the following suggestions found in Appendices I-II in order to better support survivors of sexual violence; and be it further

RESOLVED that ASWC recommends the adoption of the Project Callisto⁸ reporting system, created by survivors, activists and experts, in order to remedy some issues with Whitman's current reporting process such as gendered language, aversions to reporting, and corroboration of evidence; and be it further

RESOLVED that, recognizing that sexual violence is a serious offense, ASWC urges the Council on Student Affairs to consider the most severe sanctions, given that the presence of perpetrators on campus negatively affects survivors and the campus community as a whole; and be it further resolved

RESOLVED that ASWC acts in solidarity with all survivors of sexual misconduct and those who are currently involved in or have undergone the Title IX investigation process.

Distributed to:

President George Bridges

President-Elect Kathleen Murray

Whitman College Board of Trustees

Dean of Students Chuck Cleveland

Dean of Students' Office

Interim Provost and Dean of the Faculty Pat Spencer

Chair of the Faculty David Schmitz

⁶ "Policy and Procedures for Sexual Misconduct." *Davidson College*. Sept. 2014. Web. 06 Dec. 2014.

⁷ Rape culture is a symptom of culture in the United States that normalizes sexual violence as either something that should be able to happen, or as sex. Rape culture makes sexual violence hard to recognize, or fight back against. Rape culture is also what facilitates horrendous habits such as victim blaming, and slut shaming.

⁸ "Callisto: How It Works." *A College Sexual Assault Reporting System*. N.p., n.d. Web. 22 Jan. 2015.

Sexual Misconduct Prevention Coordinator Barbara Maxwell

Title IX Administrator Julia Dunn

Whitman College Council on Student Affairs

Whitman College *Pioneer*

Whitman College Faculty

Whitman College Student Body

Appendix I to Resolution SRF15.1

The following is a series of recommendations created by the Sexual Assault Prevention Task Force co-chaired by ASWC Vice President Sayda Morales, '15 and Senior Class Senator Corinne Vandagriff, '15 in the Fall semester of 2014.

The “calls-to-action” within this appendix can be understood through three distinct categories, with one subsection:

1. Placement of Policy
2. Changes to Language in the Sexual Misconduct Policy
3. Proposed Changes to the Title IX Investigation Process
 - a. Amendments to the Appeal Process

1. Placement of Policy

The task force recommends that the faculty vote to remove the sexual misconduct policy from Faculty Code, Chapter VI, Article VII because any amendments to the policy must receive a majority vote in order to be passed and implemented, which is a time-consuming process that delays necessary changes from being made by administrators and students.

2. Changes to Language in the Sexual Misconduct Policy

Whitman’s definition of sexual assault should include, but not be limited to, unwanted penetration of an orifice (anal, vaginal, oral) or *being forced to* penetrate with the penis, a finger or an object. We want this definition to be changed to be able to provide hearings for all survivors, not exclusively cisgendered female survivors.

Additionally, Whitman should include unwanted exposure to sexual fluids as a form of sexual assault within the definition of sexual assault in the sexual misconduct policy.

Whitman should enlarge the definitions of what constitutes incapacitation to include these characteristics:

- Short-term memory loss
- Reckless and destructive behavior
- Inability to walk
- Inability to respond coherently
- Inability to speak coherently
- Asleep
- Recently having passed out
- Recently having thrown up
- Appears to be “blacked out”

- Indicates that the subject has said themselves to be “very intoxicated” or “too intoxicated”

3. Proposed Changes to Title IX Investigation Procedures

Whitman College should adopt Project Callisto’s reporting system to strengthen our sexual misconduct reporting process. Project Callisto allows a survivor to record their evidence at any time but decide when to submit it, and therefore launch an investigation. Additionally, studies show that 60% of campus sexual assault is perpetrated by repeat offenders; Callisto helps mitigate the fear of reporting by allowing survivors to only submit their report to Callisto and then to their higher learning institution if another survivor reports the same perpetrator to Callisto or to both Callisto and the higher learning institution.⁹ Furthermore, Callisto is an independent reporting process, allowing for the unbiased collection of evidence.

The administration and any trained investigators should be cognizant of their language so as to not place blame onto the victim or perpetuate heteronormative gender biases.

Every Sexual Misconduct case should be conducted by a team of at least two investigators.

Questions involving inquiries into what a complainant was wearing at the time of the incident(s) should not be asked in the investigatory process, unless it is explicitly stated that the question is solely intended to corroborate witness testimony.

The administration and any trained investigators should be cognizant of their language so as to not place blame onto the victim or perpetuate heteronormative gender biases.

Any participant in the investigative process should have the right to receive copies of any recordings pertaining to any verbal or written statement provided by that participant.

Both the complainant and respondent in a sexual misconduct case should be given the opportunity to verify transcripts of their own investigative interviews before they are presented to the Council on Sexual Misconduct, archived, and/or shared with third-party investigators such as police officers.

If the complainant or the respondent finds issue with the transcript, the quote should be changed if:

- The quote contains factually inaccurate information
- The complainant or respondent disputes the accuracy of the quote, and the investigator does not have a recording of the interview or another method of verifying the accuracy of the quote
- The transcript is incomplete and fails to account for the entirety of the comments made

⁹ Nyhan, Brendan. *The New York Times* -02 Dec. 2014: n. pag. *The New York Times*. The New York Times, 02 Dec. 2014. Web. 22 Jan. 2015.

Sexual assault medical forensic examination kits should be examined and interpreted only by third-party medical professionals.¹⁰

Both the complainant and respondent involved in a sexual misconduct investigation should be given the academic support necessary through the option of postponing examinations or reviews of any kind between the time that the investigation is initiated and two weeks after the notification of the Council's decision has been made.

3. a. Appeals within the investigation process

Currently, the appeal process works as demonstrated in Appendix II. As it stands, appeals may only occur at the final stage of the investigation, when sanctions have already been handed down. Both the complainant and the respondent may appeal these sanctions if there are substantial procedural errors, or if new evidence becomes available that materially changes the case.

In light of this, both the complainant and the respondent should be able to submit an appeal to the President of Whitman College, on their own discretion, following the determination of "responsibility" or "no finding." At this point, the President will either uphold or strike down the determination found by the investigator and Title IX administrator.

Should the President uphold the determination, the investigation will either proceed or be closed in accordance with the prior outcome. Should the President strike down the determination, the investigation will proceed or be closed concurrent with with the ruling of the President, thereby overruling the previous determination made.

¹⁰ U.S. Department of Justice: Office on Violence Against Women, "A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents, Second Edition"

Appendix II to Resolution SRF15.1

