

**Task Force for Sexual Assault Response, Services and Prevention**  
**Meeting Minutes**  
**June 14, 2017**

**In attendance:** Paula Slowe, Bernadette Brooten, Mark Brimhall-Vargas, Peter Kalb, Becci Torri, Steve Locke, Sheryl Sousa, Kim Godsoe, Jessica Basile, Carrie Robertson, Rebecca Tillar, Bette Reilly, Linda Shinomoto, Sheila McMahon, Robin Nelson Bailey, Janet McIntosh

**Agenda Items**

1. Proposed Changes to Rights and Responsibilities
2. Discussion of Problem Resolution and Appeal Procedure

**Proposed Changes to Rights and Responsibilities**

Sheryl Sousa initiated a discussion focused on whether the University should expand the use of Restorative Justice (RJ). Currently, RJ is limited to allegations of sexual misconduct that do *not* involve physical contact. The proposal would allow RJ for allegations of 3.5 Non-Consensual Physical Contact.

A robust discussion followed, during which multiple concerns were voiced. First, OCR has not approved the use of RJ to resolve Title IX complaints. Second, during the 2016-2017 AY, no Title IX complainants requested an RJ circle. Third, administrators do not have the proper knowledge, skills and/or experience to resolve allegations of non-consensual physical contact via an RJ circle. Lastly, allowing administrators to determine which Title IX reports may or may not be resolved through RJ could be viewed as arbitrary and fundamentally unfair.

During this discussion, a number of members voiced support for the expansion of RJ. Specifically, that RJ would be extremely beneficial in giving the campus community an opportunity to heal and repair harm. While most agreed with this sentiment, the committee determined a final decision would not be reached and agreed to maintain the current RJ policy.

The discussion shifted to proposed policy language provided by Rebecca Tillar and Steve Locke regarding investigation interviews. ATIXA advocates for the inclusion of new policy language detailing that investigations will examine if there is a pattern of how consent or lack of consent is communicated between parties. Some members are concerned the term “proclivity” could be misinterpreted. The committee agrees to remove “proclivity” and keep “sexual history.”

The committee then discussed retaliation language. While all committee members agree upon the newly proposed edits, an additional suggestion is made to list examples of retaliation. Due to time restraints, this suggestion will not be included in the 2017-2018 R&R, but will be discussed at future meetings.

### **Discussion of Problem Resolution and Appeal Procedure**

Kim Godsoe circulated a document which shared data compiled from Colonial Group consortium peer institutions. The data compared current policy and conceptual ideas. The discussion began with who is the appropriate investigative entity to manage Title IX and discrimination complaints against faculty and staff. Committee agrees Brandeis is in need of a full-time Title IX Coordinator. Kim and Sheryl will raise the possibility of creating this new position with senior leaders. Future discussion is needed to determine who the Title IX Coordinator would report to and the scope of the job responsibilities.

The next point of discussion focused on the possibility of external investigators. Due to the small size of our campus, all agree an outside Special Examiner may be beneficial. Committee is against determining if an outside investigator will be utilized by dividing cases into sexual harassment vs. sexual violence categories. Committee agrees Advisors are not permitted to speak during investigation interviews.

Lastly, the committee discussed the appropriate timeframe for investigations. While 21 days is recommended, many believe 45-60 days more accurately reflects the timeframe of HR investigations. Committee will revisit this matter, as well as remaining items at future meetings.