

Council on Sexual Violence Prevention

December 4, 2014

9:00-10:30 am

Minutes

Mary Opperman, Vice President for Human Resources and Safety Services, welcomed everyone to the Council meeting.

She reviewed the agenda, and then talked about the roundtable conversation that she and Mary Beth Grant attended as part of the Student Assembly outreach event the evening before (December 3). This event was coordinated with other groups on campus for brainstorming ideas about sexual/domestic violence prevention. Both Vice President Opperman and Mary Beth Grant thought it went very well with great student and staff attendance. It also provided an opportunity to talk about what goes on behind the scenes working to change the University's culture.

Vice President Opperman acknowledged the recent death of a student related to domestic violence. She stated that this issue is closely related to the work we are doing on sexual violence.

She then asked the group to spend some time sharing their thoughts about Dr. Melanie Boyd's presentation at the October Council meeting:

- What was particularly interesting to you?
 - Impact of the speaker, every group now is looking at things in such a different way – big shift. Great paradigm shift and a lot of new work.
 - Opened my eyes to new ways to look at sexual violence prevention. Also creates a sense of renewed energy.
 - Commonalities – hazing, drinking sex violence; makes me think about what culture we want here.
 - Motivated by the speaker. Big picture view as well as the individual tasks.
 - Blended evidence with practical outcomes.
 - Where you start influences where you end up. We need to start much farther upstream; change culture vs trying to intervene.
 - Eye opening; empowering and also daunting. Wonder what our success with “culture change” can be at Cornell University – we must go upstream, but it's much greater than CU. Sports, music, etc. outside of Cornell influence our students long before they arrive.
 - Rolling Stone article (11.9.14 on UVA gang rape) vs what she was saying. Same demographic but two completely different ways of looking at it. Reality vs ideal.
 - Culture shifts don't start in a 9-5 timeframe; we need to look much deeper.
 - Changing culture where students feel safe; fostering ideals where these things are natural vs being foisted on them.
 - Looking at changing the campus culture within subunits. Change things in small ways that will change the larger campus environments. Social norms, make inroads at the entry levels.
 - Highlights what is male privilege.
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- What small steps we can take within our respective areas to begin the “culture change” suggested?
 - Athletics and Gannett are developing a small pilot “Cornell Social Consultants (CSC)” idea with a sports team this spring to experiment with the ideas Dr. Boyd promoted.

- CU can take a leadership role in creating a safe environment – consider single sex social organizations. Need to change this environment (all male athletic teams that go to all male fraternities). Maybe the time has passed for fraternities and sororities?
- Co-ed organizations have some of the same problems the same sex organizations do
- Some of the solutions that were suggested are already in place at Cornell
- Student responsibility - some students may be interested. I think we need to think more creatively about the model we use.
- Safety: Do students understand what is safe and what is not? I think the conversation about what's appropriate is important? Do they have the sensors of what is appropriate based on what they see and where they live?
- How do you get to Greek membership with more education? Go to the national levels at Greeks; Create our own accreditation model that puts CU needs first.
- Orientation: new students get bombarded; students need some mandatory programs after orientation – later on in other years; continued awareness mandatory education in sophomore, junior, and senior years.
- Sustain the conversation and keep students engaged; not just a one-time exposure. Student leaders have a lot of social power. There need to be some standards and expectations that they must follow.
- A required course to graduate ...
- Faculty: curriculum infusion. Start putting these issues on tests; we make it mandatory. It needs to be a discussed topic – on every exam, not just one. USC has an interesting model; a complex video and you have a fall semester to do it. If you don't, you cannot register for spring .
- We need to get faculty involved. Incorporate these discussions into the classroom.
- We need to be careful when we start combining it into coursework. We need to not waste everyone's time or build resentment.
- We need to continue to look at the institutional level. Go to faculty members and talk about how to infuse it. Making connections at institutional level. Changing the culture a little bit at a time. We need to embrace the idea that we have college students who desire conformity. They don't want to be excluded or different. Utilize the student leaders, to do a lot of this front line culture change work.
- Much that has been said also applies to faculty/staff. We need the culture shifts there as well. We need to have supervisors embrace this as a discussion topic and make it not just about taking a 1 hour course

Vice President Opperman thanked everyone for their feedback and ended the discussion by saying we can send this information back to the strategic planning group and discuss further how we move forward. We need to move forward in a coordinated fashion. Need to have concurrent paths forward on several issues.

Vice President Susan Murphy addressed the group and talked about the climate survey developed by AAU that Cornell will be involved in. She acknowledged that there was some criticism of the survey development by some researchers. All of the Ivy League institutions have agreed to participate in this first year. There will be an opportunity for institutions to add in college-specific language. There are 30 institutions so far engaged. Our assistant director of institutional research & planning staff was asked and is serving on the survey development work group.

Defining Consent

Mary Beth Grant, Judicial Administrator, led a discussion about defining consent. Despite Melanie's Boyd's focus on a move "upstream" and away from the minimum consent level, we are still legally obligated to define consent in our policy prohibiting sexual assault. She then referred the group to review the advanced reading handout with definitions.

(Attached). She asked the group “does an affirmative consent as defined by other schools provide a good framework for determinations of sexual assault under policy 6.4?”

Mary Beth asked: What aspects of these definitions resonate?

- Active not passive; like being clear but don't know how to assess this.
- Worry about words like “unambiguous”. The non-verbal—how is that unambiguous? How do you define unambiguous?
- Affirmative vs Absence of Consent. Need a list of factors that are essentially examples that would be affirmative consent. Use factors to look at criteria to be a better way of conducting an investigation.
- “Wanted consensual sex” vs “unwanted consensual sex”. I think we need to tease this out. How do you define this and what are the examples for this? When we get to legalistic terms we may create pitfalls. We need to be able to have some conversations, it can't be reduced down to just terms.
- What are the goals we want for this definition? There is an educational component that we want to educate the community on.
- Developing an overall definition; then develop points to consider when trying to determine whether or not there was consent.
- Is there a problem to making consent be verbal? Nonverbal communication is very important for humans and in many times is very clear.
- Describe what we found in the past. What precedence has been established already? Can we look at past cases to build upon what needs to be used? (process vs definition)
- The challenge to develop a clear definition: There are some things that are easy, but investigators need to be trained in the subtleties...Can't define it completely, but we need to give some factors so that students know how to understand is within consent guidelines.
- It seems like there needs to be a response from both parties to determine that they both responded positively – starts to clear up the unambiguous. Make it clear that there must be a response.
- No response is not consent.

How does/should a consent definition address “capacity when intoxicated or drugged”?

- Largest challenge is when a person is so intoxicated and doesn't understand that they don't have the capacity to give consent.
- It may not be possible for the perpetrator to know how intoxicated someone is and that they are essentially unable to consent. Need other factors to decide.
- Memory loss/blackout is a subset of high level of intoxication. The terms used for levels of intoxication are confusing. Need to decide what level is not able to give consent.
 - This varies from individual to individual. Will be very hard to draw a line.
- “Know/should have known” cases – what would a sober person know or should have known?
- We don't want to forget in our discussions- it's against a backdrop that women are accused of false reports. The reasonable standard when we look at these cases must be kept in mind—when women come forward and report they don't do this lightly. Something probably happened. Would a reasonable person come forward and make a report?
- The person that is the sexual initiator takes on the responsibility that the person is intoxicated
 - Having that out there would be a deterrent for behavior
 - Different levels of culpability – standards that apply to different circumstances
- As we form definitions of consent, are there ways that will help decrease the number of cases of “unwanted but consensual sex”?

Mary Beth thanked everyone for the discussion and feedback and promised more discussion in the future.

Meeting was adjourned at 10:30am