

YALE UNIVERSITY

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President's Response to the Report of the Advisory Committee on Campus Climate

Last April, I asked four distinguished Yale graduates to advise me, and the Yale Corporation, on how sexual misconduct could be more effectively prevented and disciplined at Yale. I was equally interested in learning what additional steps we might take to assure that we have an environment and culture in which all of our students are safe and feel well supported. Sexual misconduct is inimical to the values of a university that prizes community and the full development of human potential.

The focus of the Committee's report and my response is on student life. But no one-- staff, faculty, or student-- should be subjected to sexual misconduct; should improper conduct occur, our response must be equally strong and effective for all.

We were fortunate to enlist for this important work Kimberly Goff-Crews '83, '86 J.D., who has extensive experience with these issues in her role as Vice President for Campus Life and Dean of Students at the University of Chicago; Margaret Marshall '76 J.D., former Chief Justice of the Massachusetts Supreme Judicial Court and a member of the Yale Corporation from 2004 to 2010; Libby Smiley '02, who was president of the Yale College Council; and Seth Waxman '77 J.D., who brought special insights from his years as the Solicitor General of the United States and his service on the Harvard Board of Overseers. I am grateful to the Committee for its outstanding work, and to Justice Marshall for her devoted service as Chair.

Members of the Committee conferred with more than 150 individuals at Yale, including representatives from more than twenty groups. Over the course of the summer, they met with current students and recent alumnae/i in New York, Boston, Washington, Chicago, and San Francisco. They also took counsel from individuals at other universities and reviewed literature on contemporary student social life. They approached their task with the keenest interest and without preconceived ideas, and they listened intently to the members of our community and others whom they consulted. I am deeply indebted to them.

From this impartial yet engaged perspective, the Committee has presented a series of valuable observations and recommendations in the attached report, which was reviewed by the Yale Corporation at its last meeting. I am heartened that the Committee has endorsed several initiatives that we have already undertaken. The Yale Corporation and I have carefully reviewed the Report's recommendations, and we agree that there is more we can do to enhance respect and responsibility on campus.

The Marshall Committee notes that “for overwhelming numbers of students..., the Yale experience is a very positive one. The overall view in the community, especially among students, including those...who expressed the greatest concern about the sexual atmosphere on the campus, is that Yale is ‘an amazing place,’ where its students receive an extraordinary education” (p. 7). That is the experience we want for all students, and the social climate of the campus must support this objective.

The Committee makes several key points:

- It calls on Yale’s officers and deans to exert their leadership to ensure that Yale’s culture *as we live it* matches our community’s aspirations. Sexual misconduct should not be tolerated, and we must implement strengthened processes for addressing allegations of wrongdoing.
- It recommends that services for students who believe they have been subjected to sexual misconduct, and who seek advice about how to pursue possible complaints, be clearly described, and that the pathways for redress be clearly delineated. We need to eliminate confusion created by the variety of resources and procedures that have been available.
- It endorses streamlining the means of addressing complaints of sexual misconduct through the establishment of the University-Wide Committee on Sexual Misconduct (UWC). This is a step we have already taken; the UWC is now in operation.
- It recommends that we broadly and more effectively communicate to all students the resources, policies, and procedures available at Yale to address instances of sexual misconduct.
- It calls upon Yale’s leaders to take early action to condemn offensive speech when it occurs, while preserving Yale’s fundamental commitment to free expression.

I accept and agree with all these high-level recommendations. In what follows, I outline how we intend to respond to the specific recommendations of the Committee.

Communicating Our Values

The strengthened processes and reporting mechanisms outlined below will improve accountability, but it is also important that the Provost, the Dean of Yale College, and the deans of the graduate and professional schools join me in stepping forward to communicate widely that sexual misconduct has no place at Yale. As described below, we will also work with student leadership to assist us in creating an environment in which sexual misconduct is not tolerated.

Providing Information and Resources in Response to Incidents of Misconduct

Yale provides excellent services for those who have been victims of sexual misconduct. But the Marshall Committee found that students did not fully understand the range of those services or how to access them. We are committed to making clear the services available for all, including those who wish to make either anonymous or confidential inquiries or complaints. From now on, we will

strongly recommend that all students with a concern about sexual misconduct seek counsel about their course of action at the Sexual Harassment and Assault Response and Education Center (SHARE), which will expand the excellent services it has offered in the past. Residential college deans, members of the Yale College Dean's Office, directors of graduate studies, and deans of student affairs in the graduate and professional schools will be encouraged to refer students to SHARE, where professional counselors give students a comprehensive picture of the options available to them, including the process for filing a complaint within the University or with law enforcement authorities, as well as the medical and counseling resources that may be accessed.

SHARE will be provided with additional staff to ensure that it has adequate resources to provide services to students in the graduate and professional schools as well as Yale College. We will communicate the availability of the center's services widely and frequently to all students and student affairs personnel on campus. We will also make it understood that consultation with the center's professional staff can be done on either an anonymous basis (where the student seeking counsel need not identify herself or himself) or on a confidential basis.

Of course, students may choose to consult other resources when they confront sexual misconduct-- including the University-Wide Committee on Sexual Misconduct, Yale Police, their residential college deans, directors of graduate studies, deans of student affairs, or the Title IX coordinators that serve each of the schools. But SHARE will be publicized widely so that students understand that it is prepared to advise all students on the full range of resources and options available to them.

The Committee noted that graduate and professional students may feel particularly vulnerable in reporting sexual misconduct by a faculty member, adviser, or supervisor because of the very real fear that retaliation might affect their future careers. For this reason, students may be reluctant to report misconduct within their departments or schools. SHARE will provide such students with confidential counsel and information on their options so that they may feel secure as they consider their next steps.

The Marshall Committee recommended that we consider creating a university-wide office of ombudsman to provide a confidential venue for advice. Such an office exists at some universities, and at our own School of Medicine. The Provost and I have considered this possibility seriously, and we have concluded that we should not create yet another office at this time, when we are trying to simplify and streamline our processes. With the expansion of the staff and services at the SHARE Center-- clearly designated as available to students from all of Yale's schools-- and with the new University-Wide Committee in place for lodging both informal and formal complaints, we will have expanded and well publicized avenues for all students to seek information and advice, on a confidential or anonymous basis when so desired. If, over time, we find that these avenues do not provide sufficient means of confidential consultation, we may then revisit the recommendation to establish a separate office of ombudsman.

Implementing the University-Wide Committee on Sexual Misconduct

The Committee noted that prior to this year, there was a confusing array of processes to seek redress for an incident of sexual misconduct. The new University-Wide Committee on Sexual Misconduct (UWC) eliminates this source of confusion. From now on, the UWC will be the sole

channel for pursuing formal complaints against perpetrators by students in all schools but one, and it will also be a primary channel for pursuing informal complaints. Law School students may use the new UWC, but they also may avail themselves of the Law School's internal procedures. The availability of the new UWC will be communicated annually to all students by the Provost.

The Committee also recommended that the UWC report to the wider community once each semester on its actions, including the sanctions imposed in cases where sexual misconduct is determined to have occurred. I concur. The transparency of the actions of the UWC is essential; its findings and actions will be communicated twice a year as part of the Title IX report described below. This report will be an important way to inform and educate the community, as well as to provide accountability for the timely adjudication of complaints of sexual misconduct.

The Marshall Committee encouraged us to develop and communicate standard penalties for types of sexual misconduct so there is a clearer understanding in the community of the consequences of misbehavior. Cases of sexual misconduct depend so much on the particular facts of the incidents in question that it would be hard to fashion a roster of "standard" penalties. Nonetheless, I am instructing the UWC to apply any and all penalties, including expulsion where warranted. I am also asking the Provost and the General Counsel, working with the Chair of the UWC, to undertake a regular review of the outcomes of its proceedings to ensure that sanctions are applied equitably and that the UWC is setting appropriate precedents so that members of the community have a clear understanding of the disciplinary consequences that result from sexual misconduct. As the UWC develops a track record of dealing with cases, it may wish to draw upon these precedents to publish guidelines outlining the range of penalties to be expected for various offenses.

The Marshall Committee applauded the clear delineation of the definition of "sexual misconduct" in the *Undergraduate Regulations*, and we intend to follow their advice in using the same definition in the graduate and professional schools. The Provost is currently in discussion with the deans on this matter.

Reinvigorating the Role of Title IX Coordinators

The University is committed to providing an environment free of discrimination on the basis of sex, as required by Title IX of the federal Education Amendments of 1972. Title IX coordinators, senior administrators from each of the schools and the College, work to ensure that the University meets its obligations in individual situations and systemically. Title IX coordinators serve students as well as faculty and staff with concerns on any matter related to sexual discrimination, including but not limited to sexual misconduct. We have expanded training for our Title IX coordinators to enhance and coordinate the services available to deal with instances of sexual misconduct. We will also better communicate who they are and the assistance they can provide. A deputy provost has been assigned responsibility for overseeing the University's compliance with Title IX, providing leadership, training, and guidance to all Title IX coordinators, and assessing the campus climate with respect to gender. That individual will identify and work to address any patterns or problems that emerge in the review of all Title IX-related complaints, and will publish, each semester, an online statistical report on the handling of sexual misconduct complaints at the University, with a special section containing the UWC's report of its actions. In addition, as the

Committee recommended, this deputy provost will be responsible for undertaking regular assessments of our campus climate, seeking input from the campus community on how well things are working and advice on what might be improved.

Enhancing Communication and Training about Yale's Expanded Resources

An important theme of the Marshall Committee's Report is that communication about the many services and resources that Yale offers with respect to sexual misconduct has been fragmented, leaving students confused and insufficiently informed about where to go for advice, how to file a complaint, or what support and assistance are available to them. We have already begun the process of clarifying and educating the community about these matters. We will extend that effort by creating a comprehensive Web site that includes a description of SHARE and the UWC, as well as other resources available such as the Walden undergraduate peer counselors and the new Communications and Consent Educators in Yale College. The Web site will describe the various options available to those who have been affected by sexual misconduct. It will also describe the process of filing a complaint with the Yale Police or other law enforcement entities, and it will explain the role of the Title IX coordinators. This new comprehensive Web site, offering a full and clear "navigation" of Yale's resources for incidents of sexual misconduct, is available at <http://smr.yale.edu>.

In terms of training, we launched an extensive program for University officials at the beginning of the fall 2011 term. Training sessions were held for residential college masters and deans, graduate and professional school deans of student affairs and registrars, and freshman counselors. A senior administrator will be identified to provide leadership for this training in the future, as training expands to include directors of undergraduate studies, directors of graduate studies, and coaches and others with regular contact with students in Yale College and in the graduate and professional schools.

Promoting Discussions with Students on Healthy Relationships and Appropriate Behavior

The Committee recommended that the University's leadership initiate a comprehensive program of outreach to students to engage them in substantive discussion of issues of appropriate behavior, healthy relationships, and personal responsibility. The Dean of Yale College and the deans of the graduate and professional schools understand that they will be important facilitators for serious and sustained conversations about appropriate and inappropriate behavior; their leadership is essential to help students appreciate the contours of affirming and fulfilling personal relationships. Dean Mary Miller has given priority to this task with respect to freshmen who entered this fall. A program for sophomores will be introduced in the spring of 2012. We appreciate the Committee's endorsement of the training in sexual assault prevention and campus climate that will be required for leaders of registered undergraduate organizations. The Provost similarly will encourage the deans of the graduate and professional schools to communicate to students their expectations for appropriate behavior in the context of personal, professional, and academic relationships. The Office of the Provost also will lead the effort to provide training to graduate and professional school student organizations, similar to that for Yale College. The success of these training programs at both the undergraduate and the graduate and professional levels will depend heavily on the commitment and dedication of student leaders.

Addressing Off-Campus Student Organizations and On-Campus Organized Student Events

The Committee recommended requiring that all undergraduate organizations (whether on- or off-campus) register with the Yale College Dean's Office; the Committee also recommended that student groups not be allowed to recruit or enlist Yale students unless their officers affirm in writing that they will be bound by the rules of the College in their off-campus housing and activities. I support the Committee's intention that all students be held accountable for complying with the *Undergraduate Regulations*; however, after conferring with Dean Miller and others, I believe the better way to achieve this goal is by improved communication, as well as enforcement. The *Undergraduate Regulations* already make clear that off-campus conduct that imperils the integrity and values of the University-- which certainly would include sexual misconduct-- can lead to University-imposed discipline, whether or not that conduct takes place under the auspices of a registered undergraduate organization. That discipline may include a bar on recruitment for organizations, as the Committee suggests might be warranted under certain circumstances. In addition, Yale College already has in place incentives for organizations to register, such as the ability to apply for small amounts of funding, to advertise and recruit at official Yale College events, and to use University space for events and activities. The Yale College Dean's Office is actively enforcing these provisions, barring unregistered organizations from availing themselves of these privileges. I believe that a combination of education and enforcement can strengthen the understanding of all undergraduates that they are subject to the *Undergraduate Regulations* both on and off campus, in registered and unregistered organizations. Should this prove not to be the case, we will revisit our approaches toward these organizations.

Incidents of sexual misconduct frequently involve alcohol abuse, and often such behavior occurs at off-campus parties sponsored by Yale-affiliated groups. Last summer the Yale College Dean wrote to all undergraduates and their parents to make sure all were clearly informed of the laws governing social hosting and alcohol use, and potential penalties and liability. The Dean will continue to work with her colleagues, including the masters of the residential colleges, to pursue educational efforts to promote responsible drinking. Yale has joined the National College Health Improvement Project's Learning Collaborative on High-Risk Drinking, an initiative that brings universities together to research and develop best practices related to reducing high-risk drinking, and I am hopeful that this effort will prove useful over time. We must also communicate more effectively that excessive consumption of alcohol often contributes to sexual misconduct.

Meanwhile, the Yale College Dean's Office has worked with student leaders for the last several years to communicate expectations of appropriate behavior at events including Spring Fling and The Game, and it will continue this work. We also recognize that there are other events, including some sponsored by the residential colleges, where there must be greater accountability for adherence to rules on alcohol, and guidance on the avoidance of excessive drinking. Finally, we expect that the implementation of several of the recommendations of the Yale College Committee on Hazing and Initiations (which reported in April 2011) will contribute to more responsible behavior by off-campus as well as on-campus organizations that conduct initiations.

The Marshall Committee repeatedly heard concerns and complaints about a student-led activity known as "Sex Week at Yale." After comparing the event's initial purpose with its current iteration, the Committee strongly recommended that the students in charge of this event not be

allowed to use the Yale name or Yale's facilities. At Dean Miller's suggestion, I have allowed her to give the current student organizers the opportunity to propose a program for next semester that might warrant continuation of this event on campus. We have no intention of suppressing the students' rights to free expression. But we will not allow the University's facilities or name to be used in the service of corporate sponsors and the private inurement of student organizers.

Encouraging Leadership and Engagement by Students

The Committee stressed the importance of student leadership and engagement. Students learn from one another, model their behavior after their peers, and interact with peers more closely than with any other members of the Yale community. We have already committed, as noted, to providing training for leaders of student groups. We also recognize the need to encourage the leaders of many types of student organizations to speak out on issues of respect and responsibility. We have had some initial success with the creation of a council of leaders of singing groups, who provide self-regulation, offer peer advice, and are starting to model best practices. We will expand this leadership council concept to other areas, beginning with fraternities and sororities. We expect and depend upon student leaders to serve as role models for their peers, to act appropriately, and to discourage risky behavior. Student leaders can do more than any set of rules and regulations to transform our social climate to one that reflects a pervasive spirit of responsibility and respect.

Responding to Gender-Offensive Speech

The Committee recommended that University leaders speak out in a timely fashion in response to troubling incidents of gender-offensive speech (such as the two high-profile incidents that occurred in 2008 and 2010). I agree, provided that we affirm at the very same time the University's commitment to free expression. As the Committee notes: "Yale can acknowledge the right of its community members to express offensive, even hateful ideas, while making clear that such expressions may be inconsistent with principles [of human dignity and civility that] Yale seeks to promote" (p. 28).

Conclusion

Yale strives for excellence in all its endeavors. It is not enough to provide an outstanding experience to some or even most of our students. Every student deserves to feel safe, well supported, and protected from harassment and the pernicious effects of sexual misconduct. With gratitude to the Advisory Committee on Campus Climate, I reaffirm our commitment to this goal.

Richard C. Levin
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