

How Yale Addresses Student Complaints of Sexual Misconduct: Frequently Asked Questions

These FAQs are intended to respond to questions that have been raised since the University released its [Report of Complaints of Sexual Misconduct Brought Forward from January 1, 2013 through June 30, 2013](#). For additional information, please visit the [Title IX](#) and [Sexual Misconduct Response](#) websites.

Why does Yale release the semi-annual reports on complaints of sexual misconduct?

By being as open as possible (within the constraints of confidentiality) about the complaints received and the steps taken in response, the University hopes to create productive community dialogue and reflection. Some of that dialogue is difficult, yet it is necessary in order to create a positive, respectful campus culture, where there is no place for sexual misconduct of any kind. The value of public reporting on the University's actions to address sexual misconduct complaints was recognized in the 2009 [Report of the Women Faculty Forum Council on Sexual Misconduct at Yale](#) and reaffirmed in the 2011 [Report to the President and Fellows of Yale University of the Advisory Committee on Campus Climate](#) (the "Marshall Committee" Report).

The semi-annual reports are prepared by the University Title IX Coordinator, who reviews all complaints of sexual misconduct and the actions taken by the deputy Title IX Coordinators, by the University-Wide Committee on Sexual Misconduct ([UWC](#)), by the Yale Police Department ([YPD](#)), and through other relevant venues. Through these reports, the University Title IX Coordinator hopes to inform the community about issues of sexual misconduct, raise awareness about the procedures used to investigate and address them, and engage the community in the University's efforts to prevent sexual misconduct.

Why does Yale use the term "non-consensual sex"? What does it mean?

Yale requires positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent does not mean the absence of a "no." A clear "yes," verbal or otherwise, is necessary. [Yale's definition of consent](#) reflects the University's high expectations and permits discipline for behavior that does not meet a criminal standard. For example, the UWC may find that an encounter took place without coercion, force, or threat of force (criteria often associated with the term "rape") but still deem it to have lacked the unambiguous ongoing agreement that constitutes consent under the Yale standard. Any sexual encounter shown to fall short of this high expectation is, under Yale's policies, a form of "non-consensual sex" or "non-consensual sexual activity."

How does Yale determine whether a violation occurred?

The University-Wide Committee on Sexual Misconduct (UWC) hears formal complaints of sexual misconduct involving students from throughout the University.* This disciplinary board is charged with promptly and equitably responding to complaints of sexual misconduct. The UWC is trained in the dynamics and patterns of sexual misconduct and on the importance of confidentiality, fair process, impartiality, and safety considerations when determining interim measures and disciplinary sanctions. The UWC utilizes an independent fact-finder to gather evidence and then, after a hearing, determines whether a violation of [University policy](#) has occurred based on the preponderance of the evidence (i.e., is it more likely than not that such a violation occurred).

* Note: At the request of the complainant, the UWC can instead conduct an informal resolution of the complaint, which does not include formal investigation or a formal hearing. Informal UWC resolution will not result in a formal finding or discipline, but can result in other remedial actions. The pursuit of an informal resolution does not foreclose the option of a formal complaint, should the complainant so wish.

How are student penalties for sexual misconduct determined? Why are the penalties not more severe in some cases?

In cases where the UWC, through its formal complaint procedures, finds that sexual misconduct has been committed, penalties are levied based on a careful consideration of many variables including, but not limited to: the facts and circumstances of the case; the nature of the behavior in question; the associated risks and harms to the complainant and the broader community; any prior disciplinary action against the respondent; and precedents set in similar cases, if applicable. The expressed wishes of the complainant, if any, will also be given consideration.

In formulating its recommendations about discipline in a particular case, the UWC considers a full range of penalties, beginning with expulsion. Yale has imposed severe penalties, including expulsion and suspension, and will continue to do so when the circumstances warrant.

Will the University provide guidance for the community about possible penalties for sexual misconduct?

Yes. The University will prepare scenarios, which will be available on the [Title IX](#) and [UWC](#) websites, with nuanced descriptions of a range of violations, along with discussion of the variables bearing on possible penalties. The University welcomes input from students and other community members in the creation of those scenarios.

What are the options at Yale for filing a complaint?

Over the past few years, Yale has closely examined the options it offers for individuals to bring forward complaints of sexual misconduct of all kinds and has worked to streamline and clarify these options.

In early 2011, Yale consolidated a variety of disciplinary committees into one University-Wide Committee on Sexual Misconduct, making a clearer path for anyone considering a formal complaint. At the request of the complainant, the UWC can also address complaints through an informal resolution process.

The University Title IX Coordinator and Deputy Title IX Coordinators, assigned to each school and Yale College, can also resolve complaints and assist with informal remedies. The Title IX Coordinators do not conduct formal hearings but may investigate complaints and work with the complainant and the respondent to achieve a resolution of the complaint.

The Yale Police Department operates 24/7 and is available to all students by phone and walk-in for confidential consultations regarding possible criminal investigation. The YPD can provide information on available victims' assistance services and can assist with safety planning. With few exceptions, the decision about whether or not to press charges is up to the complainant.

The UWC, Title IX Coordinators, and YPD work hard to streamline and coordinate complaint processes. If a student chooses one of these venues, it generally does not preclude accessing another venue. The Sexual Harassment and Assault Response & Education Center ([SHARE](#)) is available to counsel students about these options for filing a complaint and will support them through the complaint process.

A full description of each of these resources is available at the [Sexual Misconduct Response](#) website.

Why aren't all cases of sexual misconduct turned over to the police?

Any member of the Yale community may bring a complaint of sexual misconduct to the Yale Police Department. Additionally, the University reports to the YPD all complaints of sexual assault that it receives; advises any person who reports a sexual assault about the resources and assistance that the police can provide; and assists and supports individuals who choose to pursue their complaints through the criminal process. The YPD is subject to State requirements for investigating and responding to reports of crime. YPD officers are fully-sworn police, with full powers of law enforcement and arrest, and with special training in crimes of interpersonal violence.

When a student decides to turn to the police with a complaint of sexual misconduct, the University simultaneously conducts its own investigation of the allegation and takes appropriate action, as required by Title IX.

Does Yale have a mechanism to identify repeat offenders?

The University Title IX Coordinator receives reports of all complaints of sexual misconduct brought to the UWC, the Deputy Title IX Coordinators, the YPD, deans, and other administrators. The Title IX Coordinator looks for and takes action in response to trends or patterns that emerge from these reports, including multiple allegations against an individual. For example, the Title IX Coordinator, upon identifying a repeat offender, could initiate a new formal complaint to the UWC.

How does Yale develop its policies and procedures?

Yale's current policies and procedures are the result of thoughtful input and recommendations from a wide range of constituencies – students, faculty, staff and other community members, expert researchers and practitioners, and colleagues at other institutions. Over the past several years, the University's efforts have also been guided significantly by the 2008 [Report of the Committee on Sexual Harassment and Assault Prevention Education in Yale College](#); the 2009 [Report of the Women Faculty Forum Council on Sexual Misconduct at Yale](#); the 2010 [Report of the Provost's Committee on Sexual Misconduct](#); the 2010 [Report of the Yale College Dean's Task Force on Sexual Misconduct Education and Prevention](#); the 2011 [Report to the President and Fellows of Yale University of the Advisory Committee on Campus Climate](#) (the "Marshall Committee" Report); and most recently by the [Report of the 2012-13 Campus Sexual Climate Assessment](#). The work of these committees, most of which included student and alumni representation, laid the groundwork for our current policies, definitions, and the University-Wide Committee.

The University's policies and procedures are evolving, and they are regularly reviewed to ensure that they fulfill the goal – and obligation – of providing prompt and effective avenues to resolve complaints of sexual misconduct. The leadership of the UWC and the Title IX Coordinators frequently contact the parties involved in a complaint to solicit feedback about the process. They also speak with deans, advisors, counselors, SHARE and others who routinely work with students and provide general feedback while maintaining student confidentiality. Additionally, the recent campus climate assessment conducted in the fall of 2012 (see [2013 Report](#)) included questions designed to elicit students' impressions of University complaint procedures. The University welcomes input from all members of the Yale community at titleix@yale.edu.

How are students involved in the current system, and how is Yale working to get more students involved?

Undergraduate, graduate, and professional students are appointed as members of the UWC and sit on formal hearing panels reviewing student complaints. The undergraduate Communication and Consent Educators, who conduct a substantial amount of prevention and education work in Yale College, along with the members of the Yale Women's Center, provide ongoing insight and feedback to the Dean of Yale College and the University Title IX Coordinator. Climate assessments conducted in the spring of 2011 and the fall of 2012 focused on student experiences (including graduate

and professional students), and those findings have served to guide the University's efforts. Yale continues to look for ways that students can formally and informally participate in the work of responding to and ultimately eradicating sexual misconduct on our campus.

What else is Yale doing, beyond discipline, to combat sexual misconduct?

Yale has devoted extensive resources and attention to addressing and preventing sexual misconduct on campus. Reports of our efforts are available at the [Title IX](#) website and a summary of resources is available at the [Sexual Misconduct Response](#) website.

Prominent among these resources is the Sexual Harassment and Assault Response & Education Center ([SHARE](#)), which offers advocacy, information, and support to community members dealing with sexual misconduct, focusing on the needs of survivors but also working with their friends, families, and classmates. SHARE operates a 24-hr hotline and daytime drop-in services, offers individual and group sessions, and advocates for people as they seek out medical, disciplinary, and legal processes. SHARE also collaborates with the Title IX Coordinators and other University units to provide a wide range of educational services.

At the undergraduate level, the Communication and Consent Educators (CCEs) work throughout the year to help their peers create safe, strong, respectful communities; this includes mandatory workshops for the entire freshman and sophomore classes.

How can students help?

As a community, we all need to stay involved in this conversation—to keep learning, thinking, and talking together. Some of these discussions will be with classmates, but students should also take ideas and questions to their Title IX Coordinators, deans, and other administrators, to the SHARE staff and the CCEs, and to the many other people who are actively working to build a safer, more respectful campus. It is particularly important to lend support to anyone considering filing a complaint; people need to know that their communities are behind them. Students should consider applying for more formal roles (e.g., serving on the UWC, working as a CCE or at the Women's Center, looking for other positions as they emerge)—students in these capacities provide invaluable service to the University.

If my question is not answered by these FAQs where can I find more information?

Much information about Yale's policies and procedures is available online. The central Sexual Misconduct Response website—smr.yale.edu—is the best place to start, with many links to other University sites. If you have additional questions, please contact Deputy Provost Stephanie Spangler at TitleIX@yale.edu.