

Senate Assembly Feedback about OIE and the Umbrella Policy, November 16, 2020

We have consolidated the feedback that was shared during the break out group sessions at the November 16, Senate Assembly meeting. We have also incorporated the feedback received in the chat function during the meeting.

Communication

- There is a lack of communication about the status of the process.
- Results are not communicated after the event. The innocent may then be presumed guilty, and other faculty who invested time in the process are left in the dark.

Clarity of Chain of Command

- What should be handled by OIE versus at the unit level?

Single Investigator Model

- This model leaves too much power in the hands of one person.

Confidentiality

- The identity of a complainant should be confidential. It is unclear how confidentiality of a complainant can be maintained to protect them.
- An outside point-person could be used for security for the complainant and to minimize retaliation.

Repeat Complaints

- Repeat complaints are handled as isolated incidents rather than as a pattern of behavior.
- Relevant preceding reports should be included in new investigations.
- How can smaller repeat issues be handled before they become bigger issues?

Appeals

- An appeal of facts should be permitted when OIE overlooks evidence.

University-Centered Framework, Not Victim-Driven

- There is an emphasis on legal framework rather than restorative justice – to what extent could OIE or the Umbrella Policy incorporate policies of restorative justice, such as harm reduction, prevention, and relationship repair rather than punitive approaches?

See: <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2308&context=law-faculty-publications>

And

https://www.researchgate.net/publication/261954977_Campus_Sexual_Misconduct_Restorative_Justice_Approaches_to_Enhance_Compliance_With_Title_IX_Guidance

- There is a feeling of OIE not being impartial but working to protect the University.

Oversight

- There should be more oversight and transparency of OIE.

- Why were only 5 policy violations found from 272 filed reports in 2018-2019?
- What action may be taken to minimize retaliation when a person accuses someone who is in a position of power over them?

Outcomes

- Outcomes of the grievance process are not binding on the administration.

Relationships

- There is potential for abuse of policy due to vagueness of how “dating” is defined.