

4/5/22

Dear Pennsylvania Democratic Policy Subcommittee,

My name is Yvette Willson and I am the Director of the Gender Equity Center at Penn State University. I have been in this role for nearly a year and was formerly the Associate Director and an Investigator of the Office of Sexual Misconduct Prevention and Response (OSMPR) at Penn State where I handled sexual misconduct investigations. I am a licensed attorney and have over twenty-five years of experience as an Attorney, Investigator, and Advocate. Prior to coming to Penn State four years ago, I was the Director of the law office at Centre Safe, Centre County's local domestic violence and sexual assault victim services program. There I oversaw a staff of attorneys, the operation of the office, and handled my own case load representing survivors in divorce, custody, protection orders, immigration law, and Title IX cases at Penn State. Prior to that, I was an Assistant District Attorney in Centre County where I prosecuted numerous sexual assaults, domestic violence, and child sexual abuse cases. Now, as Director of the Gender Equity Center, I oversee the operation of the Center, advocate for improving how we address sexual misconduct, conduct educational programs, and work with students who have experienced different forms of interpersonal power-based violence.

I am here today to talk to you about what Penn State is doing to combat sexual violence. As you may know, Penn State is made up of 24 campuses, including University Park and the World Campus. In 2015, President Barron appointed a Sexual Assault Task Force to address the issues of sexual misconduct on campus. The Task Force was made up of 17 staff, faculty, and students who wrote a 200-page plus report to culminate their work. This report included 18 recommendations as to how Penn State should handle sexual misconduct going forward.<sup>1</sup> And after reviewing same, President Barron adopted all 18 recommendations. As of today, the majority of those recommendations have been implemented while some are still in progress.

One of the biggest changes from those recommendations has been to create a new Office of Sexual Misconduct Prevention and Response and create a new standalone Title IX Coordinator position. Both of these were enacted in late 2015. Through the Office of Sexual Misconduct<sup>2</sup>, a new investigative model was also created to handle cases of sexual misconduct including sexual assault, dating violence, stalking, and gender and sexual harassment. In that office, trauma informed investigators were hired and trained to do these investigations. Further, a very thorough, neutral and impartial investigation process was developed where both sides have equal rights, access to resources, and can actively participate in the process as much or as little as they want, including choosing to abstain from participation. That office now includes a

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<sup>1</sup> See 1/29/15 and 2/17/15 articles - attached

<sup>2</sup> See: <http://titleix.psu.edu>

Director/investigator, Associate Director/Investigator, three additional investigators, two Case Managers, and two Administrative Assistants.

Other major changes since the 18 recommendations were adopted include:

- 1) designating each University employee as either “confidential” or “responsible” in relation to obligations to respond to disclosures of sexual misconduct,
- 2) requiring all employees to complete annual mandatory training, to understand the issues involved in sexual misconduct, know the available campus and community resources, and honor their reporting responsibilities,
- 3) requiring all advocates, clinicians and other University employees working directly with victims of sexual assault to receive training on services for male victims, international students, students victimized by same-sex interactions, and students of color, and that focused attention be given to educational prevention programs aimed at particular populations, such as fraternity and sorority members and athletes,
- 4) launching a bystander intervention program, called “Stand for State” to encourage members of the Penn State community to intervene in response to sexual and other misconduct, and
- 5) creating an online system for anonymous reporting of sexual misconduct incidents.

One other big recommendation that is continually being evaluated, updated, and currently worked on includes implementing various educational experiences for students that reflect their evolving developmental needs during the course of their college experience, including a required course for all first-year students that explores issues of student well-being and safety, with an emphasis on building positive relationships and preventing sexual misconduct and alcohol misuse. This is something that has had progress made on, but there is still work to be done.

Specifically, multiple units at Penn State provide regular education and training on Title IX and Sexual Misconduct policies and procedures by request. Further, there is a required first year online module called, “Penn State Safe and Aware.” This module is about alcohol and sexual misconduct. The module includes information about the effects alcohol has on the brain and body, alcohol-related state laws, and university policies related to alcohol consumption. The module educates students about relationship violence, sexual assault, stalking, and sexual harassment. It also contains information about Penn State resources for alcohol and other substance use disorders as well as resources to help students who have experienced sexual misconduct. Links to the Code of Conduct definition for sexual misconduct as well as multiple excerpts from AD-85 are included in the module. The module is designed to help students develop practical skills to keep themselves and their friends safe. All incoming first-year students who are 21 and under are required to complete the alcohol and sexual misconduct content in the module before arriving on campus. First-year students, who are over 21, are only required to complete the sexual misconduct content. Additionally, every semester, all new

transfer, graduate, professional, non-degree and provisional students are sent an email encouraging them to learn about Penn State's sexual misconduct policies and resources by completing the sexual misconduct portion of the Penn State Safe & Aware module.<sup>3</sup>

In addition to the above, various Penn State units, including the Gender Equity Center provide numerous educational opportunities via classes, workshops, special events, speaker events, social media, activities, and through our It's on Us grant programming. Additionally, Penn State created the Stand for State program a few years ago, which is the Bystander Intervention program. And for the past year, that specific program has been operated by the Gender Equity Center as there is no one currently in that role separately.

#### What is the Gender Equity Center<sup>4</sup>:

The Gender Equity Center provides free, confidential support for any student who has experienced different forms of interpersonal violence, including sexual violence, dating violence, stalking, gender harassment, and sexual harassment. We also focus on other campus climate issues, including body image, media literacy, gender inequity, gender stereotypes, bias, and intersectionality. We assist students through education, advocacy, referrals, crisis intervention, and support. We also conduct numerous prevention education programs, special events, and bring in national speakers on these topics.

We have a staff of five full time people and one part time graduate assistant. Our staff includes me, as the Director, one Assistant Director, one Administrative Assistant, one Program Coordinator, and one Survivor Advocate. As such, we are a small but mighty group of individuals who work tirelessly to support, educate, and advocate for all students at Penn State. Our Survivor Advocate is a new position that was filled this past fall. That role provides one-on-one support, crisis intervention, and advocacy for students who have experienced interpersonal power-based violence. In addition, I also meet with students as well as our Assistant Director. In these roles, we can discuss options a student has in deciding whether or not to report an incident, including options within the university and outside, such as criminal options and protection orders. And the student can take some assurance knowing that we will not make a report to the Office of Sexual Misconduct Prevention and Response or to the Police as we are confidential sources. We work with women, men, trans, non-binary, and gender nonconforming individuals, as well as lesbian, gay, and queer students, including all races, ethnicities and identity groups. In addition to support and options, we can request academic accommodations for victim survivors, help them request an Administrative Directive, do safety planning, provide referrals to counselors or other resources, provide court accompaniment, and other support.

Our Assistant Director oversees our Prevention Education and Programming team which consists of our Program Coordinator and a 20-hour graduate assistant. Our prevention education team develops workshops for the classroom and for clubs and organizations utilizing

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<sup>3</sup> See <https://www.aware.psu.edu/>.

<sup>4</sup> See: <https://studentaffairs.psu.edu/genderequity>

evidence-based practices, relying on current research and recommendations from the CDC to develop programming around various interpersonal violence issues as well as topics which contribute to violence, such as stereotypes, bias, microaggressions, boundary-setting, effective communication, to name a few. In addition to traditional workshop-based programs for the classroom, our prevention education team organizes special events and awareness campaigns bringing national speakers and interactive ways to engage with these topics and provide students with the skills they need to make Penn State a safer place. They meet students where they are utilizing social media to educate students on bystander intervention, supporting survivors, and dispelling misinformation and myths about violence perpetration and prevention. One outreach and education campaign which exemplifies both workshop-based practices and awareness campaigns includes our current, "It's on Us Penn State" campaign. This was created through Governor Wolf's It's On Us grant which allowed us to highlight and educate students and community members on the intersection of violence with societal factors such as racism, colonialism, xenophobia, homophobia, and transphobia. Additionally, funds were utilized to train students as peer educators, which we know can be highly effective if facilitators receive adequate training, supervision, and support. The three main topics and peer led programs created include, It's On Us Gender, Race, and Power Workshop, It's On Us Beyond the Binary Workshop, and It's On Us Sexual Citizenship Workshop.

The Gender Equity Center is committed to a campus culture that makes all students feel supported and gives them access to a full range of services, fosters cooperation and respect, and creates positive experiences that helps them be successful both at Penn State and in the world. We acknowledge that all forms of oppression and inequality are at the root of power-based and gender-based violence. In order to eliminate violence, we recognize our work is inextricably linked to the goals of our colleague diversity, equity, and inclusion units at Penn State as well as student organizations providing representation and advocacy for various marginalized communities on campus. Thus, we collaborate with such groups to address these many forms of oppression and their harmful manifestations.

Some of the many student organizations we collaborate with include UPUA, Schreyer Gender Equity Coalition, Lotus, Sisters on the Runway, Lambda Theta Alpha, QTPOC, Lion Pride, SPA, SVAP Roundtable, Society of Women Engineers, Women in Business, Hope Here Hope Now, Days for Girls, Men Against Violence, Peers Helping Reaffirm Educate and Empower (PHREE), and Greeks Care.

Over the past year, we have spent considerable time and effort in building out the Gender Equity Center. One example is with our new Survivor Advocate position. We know that it is sometimes hard for a victim survivor to come forward to seek help and get the support they need. And, with Penn State being a large institution, we are very mindful of that. Therefore, we are continually looking at ways we can meet survivors where they are at and reduce barriers. An example of this has been by continuing to meet with students via zoom. And, while we are meeting students in person now, some choose to meet virtually as that might make it a little bit easier for them. In addition, we have just implemented our Traveling Advocate program.

Through this program, our Survivor Advocate goes to different residence halls throughout the week to meet students where they are at. For example, if a student is in East Halls, and it is a cold, snowy day, it may be too much for them to think about walking across campus to get to our building for an appointment. And, by meeting in their building, we are able to provide a bit more comfort and familiarity to them to hopefully enable them to connect with us easier.

Other avenues of expansion have included our efforts to recruit new advisors to assist complainants going through the formal investigation process. Through these efforts, we have recruited and trained staff and faculty to serve in this role. We also mentor these advisors if they need any help in working with students.

Additional efforts include our collaboration with Centre Safe and many student organizations to conduct a month-long series of events for Sexual Assault Awareness Month (SAAM) and Sexual Violence Awareness and Prevention (SVAP) Week.<sup>5</sup> And, we are continuing to conduct outreach, advertising, marketing, and education through our various social media outlets.

#### Coalition to Address Relationship and Sexual Violence:

At Penn State, one of the many efforts we have had in place for over thirty years is CARSV, the Coalition to Address Relationship and Sexual Violence. This multidisciplinary sexual assault and relationship violence task force originated in the mid-1980s as the Sexual Assault Committee. The group was renamed in 2000 to reflect the growing problems on college campuses. At that time and appointed by the Vice President of Student Affairs, the Coalition is charged with providing University-wide oversight for policy and procedures relating to sexual assault, relationship/domestic violence and stalking. Then, in 2015, when President Barron adopted all 18 recommendations from the 2015 Sexual Assault Task Force, it also included a provision that reinforced CARSV's role and recommended it convene more often. Currently, CARSV meets monthly. Further, a separate subcommittee formed this past fall which also meets monthly to address these issues on a more in-depth level including research, reworking the sexual misconduct survey, and making recommendations to the entire CARSV group and university. Members of CARSV include Penn State staff and faculty, including the Title IX Coordinator, the Vice President for Diversity, Equity, and Inclusion, campus law enforcement, members from the campuses, University Health Services, Residence Life, Faculty from Women, Gender, and Sexuality Studies and the College of Nursing, community representatives including Centre Safe, the State College Police Department, several students, and more. The overall effort is to monitor and provide a coordinated university response to incidents of sexual violence, dating violence, domestic violence and stalking on campus.

One current topic that the CARSV subcommittee has been working on is researching and benchmarking evidence-based sexual misconduct education and prevention programs from institutions across the country. Through that we are discovering that some schools are requiring

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<sup>5</sup> See attachment for events

education on these topics for every year of a student's attendance at their schools. And, if the students do not participate in these classes or programs, they are not allowed to enroll the next semester for classes. We are excited to see where this research will lead us.

#### Sexual Misconduct Survey:

In addition to CARSV, Penn State has implemented the Sexual Misconduct Climate Survey. The survey was first conducted in 2015, then 2018, and now in 2022, which was just launched this week. The surveys are sent to a random group of students to obtain critical information about sexual misconduct at Penn State. And this year, CARSV members, staff, faculty, and students were consulted to improve the 2022 version of the survey to better address topics on gender identity, victim supportive language, broadening different types of interpersonal violence, why someone may not report an incident, and knowledge of resources.

The surveys are conducted to gain an understanding of student perceptions, experiences, and knowledge of resources related to sexual assault and sexual harassment. For the 2022 survey, 15,000 undergraduates at University Park, along with 4,000 graduate and professional students, and about 1,500 students at each of the larger Penn State campuses, and all of the students at the smaller campuses, will receive the survey. This survey will ask students questions about their personal experiences, their perceptions, their knowledge of campus resources, and the behavior of bystanders in relation to sexual misconduct and harassment. It is expected to provide insight into a number of areas, including the prevalence of sexual assault and harassment, how comfortable people feel reporting incidents, and the role of alcohol in sexual misconduct. The data obtained from these surveys is an ongoing effort aimed at creating a safer campus climate.

#### Collaborations:

Penn State has been collaborating with our local sexual violence and dating violence center for years, called Centre Safe (formerly Women's Resource Center.). The Gender Equity Center works with Centre Safe to do joint events, training, awareness, and collaborate whenever we can. We have also had Memorandums of Understanding with them in the past including one a few years ago for providing free legal services to victims of Title IX cases. This was done through a VAWA grant, which unfortunately ended. Currently, funding, as is often the case, is not present for this. However, when they are able, Centre Safe still provides free, quality, specialized legal representation to survivors who are going through the Sexual Misconduct formal process.

Centre Safe also provides confidential counseling, support, crisis intervention, a 24-hour hotline, emergency housing, court accompaniment, assistance in filling out Protection Order

paperwork, and legal services to students who have experienced sexual misconduct.<sup>6</sup> And, this is in addition to the services that the Gender Equity Center provides, along with the Penn State Counseling and Psychological Center (CAPS), the Center for Sexual and Gender Identity, Student Care and Advocacy, and other offices. Also, as a side note, there are several former staff of Centre Safe that now work for Penn State including myself, folks at CAPS, and at OSMPR.

In addition to Centre Safe, Penn State also collaborates with our local law enforcement agencies, both on and off campus. One unique way of doing this is to conduct joint interviews of victims if they have decided to have both a law enforcement and university investigation. That way, the victim only has to be interviewed once, the information that both entities obtain is more consistent, and the ongoing trauma a victim may experience is minimized.

The Gender Equity Center also works with numerous offices on campus. Specifically, the Student Care and Advocacy office can help students who are experiencing a range of unique issues including providing some emergency financial support for students who need it. The Center for Sexual and Gender Diversity is the advocacy and education office for students who may identify within the LGBTQ+ community, their allies, and conducts education across the university. One recent change in how we help students who have experienced sexual misconduct is that the Center for Sexual and Gender Diversity recently became a confidential source. This is an important factor for LGBTQ+ students who may have other barriers to reporting and seeking help on top of the trauma caused by a sexual assault. And, finally, Penn State also has CAPS, the Counseling and Psychological Services office who provides therapists, licensed counselors, and support groups for students who are experiencing a variety of mental health concerns. Additionally, for those who have experienced sexual misconduct, there is a special team of counselors. And, through our collaborations, we can get these victim survivors in much quicker to see a counselor at CAPS than it might take otherwise.

The Gender Equity Center also engages and collaborates with the Commonwealth Campuses. Specifically, we have collaborated on programming, sharing materials, and working together to address these issues. Each campus has their own programs, services, and events to help survivors, but the Gender Equity Center also serves as a back-up support for any survivor who needs help, particularly if they are going through the formal investigation process.

#### Services, Rights, and Referrals for students:

Part of the proposed legislation in the It's On Us package is to require universities to providing access to confidential resources and services to students. Penn State is already doing this. We have spent much time building up our confidential resources for students. This now includes the Gender Equity Center, CAPS, Center for Sexual and Gender Diversity, and University Health

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<sup>6</sup> The term "Sexual Misconduct" is an umbrella term we use to include all types of interpersonal power based violence including sexual assault, fondling, sexual exploitation, dating violence, domestic violence, stalking, sexual harassment, and gender harassment.

Services. Further, students are made aware of off campus confidential resources including Centre Safe.

In addition, students are provided written notification of their rights if they experience a sexual misconduct matter, through written documents, online, and in person. These rights are provided to both parties and are included in the Titleix.psu.edu website. The rights explain what happens in a formal investigation, that they may have an Advisor, that they have a right to be treated fairly and with respect, and more.

Accommodations are also provided to students through both the Office of Sexual Misconduct Prevention and Response and the Gender Equity Center. Through this service, the student can request that we send a letter to their professor(s) to request accommodations. This may include an extension on an assignment that is due, an excused absence from class, or modifications for an exam. Most professors willingly work with students to find reasonable accommodations.

Protective measures that Penn State provides may include a No Contact Directive, which is a Penn State “order” to tell the respondent to have no contact with the complainant. It includes no direct contact, no electronic communication, and no third-party contact. Violation of a no contact directive is a separate violation of the Student Code of Conduct. In addition, there are other protective measures that can occur including change of housing to allow someone to move to a different location and possibly a loss of housing or removal of the respondent from campus, depending on the situation.

Other referrals are also made to students including referrals for mental health support, immigration concerns, legal assistance, financial aid, court proceedings, criminal reports, and health care. And the staff at the Gender Equity Center can accompany students to these different offices or court if the victim survivor would like that.

#### Title IX verses non-Title IX cases:

When Title IX regulations were changed in 2020, this resulted in reduced protections for victims of sexual misconduct. However, Penn State continued to provide those protections under our AD91 policy, in addition to AD85. In other words, Title IX requires the minimum a university must do. But Penn State, like other institutions, chose to provide more protections as it should not matter where an incident occurs for the university to address that behavior. The effect on the victim survivor is the same and they should be provided with whatever accommodations, options, counseling, and support they need no matter where the incident occurred. Furthermore, it negates the social nature and aspects of college and university life where friendships and socialization turn to future professional networks and social capital. Therefore, Penn State adopted a separate “Non-Title-IX” policy under AD91 to address these behaviors.



AD85 (the “Title IX Policy”) includes unwelcome conduct determined by a reasonable person to be so severe, pervasive ***and*** objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity. Such conduct may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, sexual exploitation, sexual coercion, sexual touching and fondling, the touching of an unwilling person’s intimate parts, and forcing an unwilling person to touch another’s intimate parts. One key word in this definition though is the word “and” which requires the conduct to be “so severe, pervasive ***and*** objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.” The previous definition of this included the word “or.” Therefore, there may be certain behaviors that no longer fit into the new Title IX definition. As a result, Penn State added AD91 to cover other behaviors.

Under AD91, behaviors and locations that are not covered under Title IX are still covered by the university and still prohibited under the Code of Conduct. This includes sexual assault, dating violence, domestic violence, and stalking incidents that occur off campus. It also includes behaviors that do not meet the “so severe, pervasive ***and*** objectively offensive” definition. As a result, the definition of prohibited behavior under AD91 changed and is instead “when such conduct is sufficiently severe, persistent, ***or*** pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities.” Further, specific behaviors under AD91 include gender-based harassment and sex-based harassment and are included with the different definition using the word “or”.

The result of these two policies is two different investigations processes, both of which provide extensive rights for both parties, similar processes, and similar results.<sup>7</sup> In addition, the office of Sexual Misconduct Prevention and Response provides informal options including an educational process and restorative justice options depending on what the complainant would like to do.

Penn State also has an anti-retaliation policy that is covered in both AD85 and AD91. This policy includes a prohibition against anyone taking any adverse action against someone for making a complaint or their participation in a sexual misconduct matter. In addition, Penn State has an Amnesty policy which states,

“The University strongly encourages students to report incidents that may violate Title IX. Therefore, students who act responsibly by reporting to the appropriate authorities, information about conduct violating this Policy typically will not face University disciplinary action for their own drug or alcohol possession or consumption in connection with the reported incident.”

At Penn State, the definition of consent is similar to the proposed legislation, however it does not state “Yes means Yes.” Under AD85, it states:

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<sup>7</sup> See AD85 and AD91

*“Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.”*

#### Other changes over past few years:

Other changes over the past few years include the creation of It’s On Us Educational Videos & Classroom Learning Activities which were created through a grant from the Pennsylvania It’s On Us PA campaign to increase awareness, education, and resources around sexual misconduct and sexual violence. Faculty and staff can use these videos in conjunction with the learning activities in classes or other group settings. In addition, in 2021, thanks to another It’s On Us grant, these videos and written materials on resources, options, and support were translated into six different languages that are the most common languages used by international students at Penn State. The reason for this is that we know it is difficult enough for a victim survivor to be aware of services and access them. Then, when you add in potential language or cultural differences, these barriers can make it even more challenging. The six languages include Mandarin, Spanish, French, Malay, Arabic, and Korean.

Another new educational program that was developed just before COVID, is the “Results Will Vary” program. This is an interactive musical experience delivered to all incoming first-year students at Penn State University Park. The show, written for students by students, shares experiences that will help new students understand transition to life as a college student, discuss the use and abuse of alcohol and other drugs, define sexual consent, and talk about sexual assault prevention, better understand the importance of diversity in the college experience, and how to act as a bystander when necessary.

Penn State is also only the second higher ed institution in the country to develop and have a Respondent Support Coordinator position. This position was created and implemented in 2020. The Respondent Support Coordinator works specifically with Respondents who are going through the sexual misconduct process and also provides resources and support for them.

Finally, one of the most recent changes we have implemented has been in collaboration with the Office of Sexual Misconduct Prevention and Response in helping complainants gain access to a trained advisor earlier on in the formal investigation process. As a former investigator in that office, I have been able to see how for the majority of cases in that office, the Respondent has an advisor from the very beginning of the case. But this was not true for complainants. Therefore, we worked with the Office of Sexual Misconduct to change this dynamic. And, what we created was to develop an automatic referral for all cases going forward with a formal investigation so that whenever a formal investigation is occurring, a direct referral is made to the Gender Equity Center. Then, when the Gender Equity Center receives those referrals, we reach out to the complainant to offer our support, talk about the benefits of an advisor, and connect with them in any way that is helpful, whether it is to offer resources, accommodations, or more.

In closing, thank you for this opportunity to share what Penn State is doing to combat sexual violence, thank you to Governor Wolf for making Pennsylvania the first state in the country to bring the It's On Us program here, and thank you to each of you for helping to do more to raise awareness, prevent sexual assault, and support survivors.

Sincerely,

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