Resolution Concerning the Alternative Review Process
UGS-A2014-23

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Action Requested: Majority Approval by the Undergraduate Senate and GSC
Submitted for Consideration: Tuesday, October 28th, 2014

WHEREAS, The Alternative Review Process (ARP) is “Stanford’s process for hearing allegations of misconduct relating to sexual assault, sexual harassment, relationship violence, and stalking within the campus community” and was created in response to concerns by the Sexual Violence Advisory Board in order to “be sensitive to privacy concerns of both parties, protect the equal rights of both parties, and allow for shorter timeline than the traditional judicial process.”

An in-depth history of early changes in the ARP Process can be read here:

WHEREAS, Recent events on campus sparked widespread protests and activism in how the University handled cases of sexual assault. This led to the creation of a student-faculty sexual assault task force by Provost Etchemendy in July 2014;

WHEREAS, A committee of five Reviewers determines a Finding of Responsibility and Sanctions, which must be approved by the Provost;

WHEREAS, “The Reviewer Pool will consist of current or former members of the Judicial Panel Pool who complete the necessary training to serve as Reviewers. It will, by default, consist of all such persons”;

WHEREAS, The pool of Reviewers is a smaller portion of the Judicial Panel Pool and requires additional training in areas of sexual harassment, sexual assault, and relationship violence;

WHEREAS, ARP Panels require intensive analysis of documents, in-person and over the phone questioning, and is a considerable time process;

WHEREAS, It is not uncommon to have Reviewers do more than one ARP Hearing in the duration of their service to the Office of Community Standards and should understand Stanford’s attitude towards these hearings to be better informed and make decisions that reflect what the

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1 http://studentaffairs.stanford.edu/communitystandards/news/what-is-the-arp
2 http://www.stanforddaily.com/2014/07/31/members-of-student-faculty-sexual-assault-task-force-announced/
3 https://studentaffairs.stanford.edu/communitystandards/process/alternate-review
University would like to achieve;

WHEREAS, Given the serious nature of these hearings, all parties involved (Reviewers, Witnesses, the Impacted Party, and the Responding Student) should be able to easily navigate through the ARP Process;

WHEREAS, The Sexual Assault Task Force will be working on recommendations for the ARP Process, their work is done privately, and the Senate would like to provide additional feedback to be considered in their process;

THEREFORE BE IT RESOLVED BY THE JOINT LEGISLATIVE BODIES:

Education to the Student Body
1. THAT, Education from the Sexual Assault and Relationship Abuse (SARA) office clarify frequently asked questions which decrease confusion and misinformation. For instance, how consent is given when both parties are drinking; what consent looks like under the recently passed affirmative consent law; what is a sexual act; what does it mean to be an “initiator” of a sexual act.

Process Recommendations
1. THAT, In order to establish uniform understanding of the use of harsher sanctions like expulsion, a definition of what it means to be a member of the university community is provided to all students. This definition should clearly outline what actions constitute the potential to be removed from the university;

2. THAT, The Office of Community Standards, Title IX Office, and Provost Task Force work in conjunction to create a Penalty Code for the Alternative Review Process that outlines all available sanctions offered by the University, aggravating and mitigating factors, and other information that is similar to the Penalty Code for Judicial Panel Hearings;

3. THAT, The Office of Community Standards and Provost should notify the five Reviewers of an appeal, its final outcomes, and the final approved sanction if any occur. This notification should include a link to a survey about their experience with that hearing, recommendations, problems, and issues with process. A similar survey be sent to the Impacted Party, Responding Student, and Witness.

4. THAT, The Sexual Assault Task Force and Office of Community Standards work in conjunction with the Legislative Bodies to create less intimidating and overwhelming
explanations of the process to be sent out to Reviewers, Witnesses, the Impacted Party, and the Responding Student at all stages of the process.

These explanations for the process could take place of an online webpage and/or paper version. It would, at minimum, introduce the parties to the process, give a timeline of events, explain who they will be talking to, and when, and who to contact for further questions;

5. **THAT**, The Office of Community Standards consider providing an option for the Impacted Party and Responding Student to be able to record their statement for the Reviewers to minimize the need to repeatedly describe the traumatic events in question.

**Sanctions**

1. **THAT**, Under a fair and consistent Alternative Review Process, the 16th Undergraduate Senate would be open to a presumptive sanction of expulsion for those found responsible of sexual violence. A presumptive sanction “[applies] a certain sanction to a particular violation of the Policy, but that sanction can be altered based on mitigating factors”; and

2. **THAT**, Rationale from Findings of Responsibility and Sanctioning and final sanctions (after any appeals) from previous Alternative Review Process hearings be provided to Reviewers upon request at the appropriate portion of the hearing.

**Responsibilities and Action of the Legislative Bodies**

1. **THAT** Prior to Winter Quarter, all Senators/GSC members will commit to educating themselves on current processed regarding the Alternative Review Process and have basic knowledge on Title IX and sexual assault related practices in order to be able to make an informed vote should the Provost Task Force on Sexual Assault bring forth any policy changes.

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