

November 7, 2023

Recommendation Implementation Committee

Fall 2023 Update

Dear Members of the Holy Cross Community,

We are writing to provide details about the work done by the Recommendation Implementation Committee (RIC) during Spring and Summer 2023 to address the recommendations of the Cozen O'Connor Report (September 2022) on historical incidents and reports of faculty sexual misconduct at the college. The Cozen O'Connor report made over 45 substantive recommendations, including that the college form a multidisciplinary implementation committee to "identify and articulate shared goals, triage and prioritize the recommendations, and develop a calendar for action items and communications" (Cozen O'Connor Report 2022, p. 69). As a result, an interdisciplinary committee of 16 faculty, administrative, and staff members of the RIC were charged by the President in early 2023 to undertake this work.

As we reflect on our journey to address instances of past sexual misconduct within our college, we acknowledge the harm and pain endured by members of our community who experienced and/or were witness to this misconduct. Our approach reflects a foundational commitment to centering survivors' experiences, ensuring their voices are heard and validated. We advocate for a holistic strategy that encompasses: (1) healing and accountability through restorative justice efforts that will begin this academic year; and (2) proactive prevention through longer term cultural and structural change. With the understanding that individuals engaged in grooming behavior will groom an entire community, it is critical not only to foster survivor-focused healing from what occurred in the past, but also to develop campuswide practices, ongoing training, and policies to prevent sexual misconduct in our community in the present and future.

With these overarching principles in mind, and based on an assessment of urgency, difficulty, and timeframe, the RIC identified four thematic areas of recommendations from the Cozen O'Connor report as the highest priority:

- Community Healing, Wellness, and Support
- Development and Publication of Policies and/or Guidelines
- Culture Shift
- Organizational Structure and Collaboration

Working groups for each priority area conducted research and consultation across the college to develop specific implementation recommendations. An Advisory Group of students, faculty, staff, a trustee, and alumni, including survivors, provided feedback on these proposals. At the end of June 2023, the co-chairs presented an executive summary and working group reports to the Oversight Group of leaders from the administration, faculty, and the Board of Trustees.

Below, we offer an overview of the work and substantive recommendations that the RIC has made thus far. We also highlight steps that other campus departments and programs have taken over the past year in response to the Cozen O'Connor report.

RIC Proposed Action Steps

(1) The college should begin immediate planning for restorative justice efforts to take place in AY 2023–2024.

We are aware of the pain and hurt that sexual misconduct has caused many in our community and understand the urgency of apologizing for the harms they have suffered. To promote restorative justice, provide remedial measures, and promote healing for historical harms, the college should engage subject matter experts to focus on restorative practices, particularly as they relate to sexual abuse at a religiously-based institution. The committee recommends that the college engage the University of San Diego Center for Restorative Justice as consultants to assist us in planning restorative efforts that will:

- a. Focus on the broader community and *not* between survivors and their abusers. Any individual restorative measures must be undertaken in consultation with the selected subject matter experts and appropriately knowledgeable campus stakeholders.
- b. Take steps that place faculty sexual misconduct not only in the context of an institution of higher education but also in light of the sexual abuse crisis in the Catholic Church as a whole, whether those found responsible are members of the clergy or not.
- c. Include appropriate forms of institutional apology as soon as possible. In addition, longstanding and symbolic expressions of atonement, such as artwork, a statue or garden, should be considered.
- d. Not include a “healing mass” as suggested in the Cozen O'Connor report. The RIC recommends refraining from continued use of the phrase in future reports and documents. After speaking to experts and survivors, including members of an advisory group of alumni, faculty, students, and staff members, the committee concluded a mass would not be welcome by most survivors and could in fact be counterproductive to the healing process. Survivors the committee spoke to expressed a strong negative reaction to any form of mass or service, due in part to its associations with the Catholic Church and its documented history of sexual abuse cases. The college should, however, explore inclusive ways to ritualize practices of apology, atonement, and acknowledgment, including religiously-based services or practices.

Status: The RIC has requested college approval to engage the University of San Diego Center for Restorative Justice to provide expertise on restorative practices. This collaboration will enable the committee to move forward this fall with planning for specific events and practices. Planning for these efforts will also include faculty, staff, students, and alumni.

(2) The college should immediately remove honorific naming when those so honored have been determined by the college to have engaged in sexual misconduct. The committee has recommended using the “credible allegations” standard to determine community members whose names should be removed from places of honor across the college.

Status: This recommendation and a report on the specific information provided to the college by Cozen O'Connor as part of its comprehensive investigation have been communicated to the President and Senior Leadership Team.

We acknowledge this process will take time, and in some cases names that meet the credible allegations standard may not be able to be easily removed. In several cases, binding contracts with donors predate and thus do not incorporate the 2017 naming policy, which created language to be added to gift agreements to allow the college to address naming issues under certain circumstances. Therefore, the process must be a collaborative one between the college and the donors. It is important to note the progress the college made with its adoption on September 8, 2017, of the Naming Policy which provides for the removal of honorific naming "in the event that a (naming recipient) no longer displays exemplary character or the (naming recipient's) reputation for honesty, personal integrity and personal and professional ethics has been compromised." Based on this recommendation, the college has already begun the work of engaging in conversations and dialogue with donors and is hopeful that in the coming months most if not all of the involved donors will be in agreement to make the changes the college seeks.

(3) The college should evaluate adverse Title IX findings on a case-by-case basis in making appointments to administrative roles and note this process/policy in all sanctions going forward.

Status: Academic Affairs will continue to follow the Administrative Appointment Procedures (2020), including, "For internal appointments, prior to selection the Provost or the Dean responsible for the appointment will review the candidate's faculty file and will request a review of any files in Human Resources or Office of Title IX Initiatives and Equal Opportunity by the directors of these offices." The RIC has recommended that Academic Affairs, Human Resources, and Title IX, with the General Counsel consulted on legal issues as necessary, work together to develop specific instructions for this review.

(4) The Provost and Deans of the Faculty, in consultation as needed with the Academic Governance Council, the Faculty Assembly, Title IX, Human Resources, and Risk Management, should develop a department chair manual, handbook, and/or resource booklet addressing chairs' role and responsibilities related to boundaries, misconduct, conflict management, reporting, and documentation that would complement other general training and/or employment law compliance resources for chairs.

Status: Work on this recommendation is underway. The August 2023 chairs/directors workshop included sessions on these topics with the Office of Title IX and Equal Opportunity and the Office of Diversity, Equity, and Inclusion. The Provost's Office will work with appropriate faculty governance bodies and college offices to develop and communicate procedures for documenting and addressing reported concerns, especially those that may not constitute policy violations.

(5) The college should establish a Culture Shift Working Group to oversee and assess progress toward culture change that involves articulating clear expectations about appropriate behavior, promoting a safe space for reporting, and taking action to enforce behavioral expectations prior to escalation of inappropriate behavior. Such culture change is necessary to prevent grooming of both targeted individuals and those in their environment, as noted in the Cozen O'Connor report: "The more effectively

an offender can groom the individuals in the victim's environment, the less likely it is that the offender will be reported and the lower the probability that the reporting victim will be believed" (p. 30). Membership of the Culture Shift Working Group should include representatives from the Provost's Office, Gender, Sexuality & Women's Studies (GSWS), department chairs, student groups, Title IX & Equal Opportunity, Office of Diversity, Equity & Inclusion, Risk Management, Human Resources, Counseling & Psychological Services (CAPS), Student Wellness Education, and the Chaplains' Office. The RIC recommends that the Culture Shift Working Group also be responsible for assessing college-wide cultural progress after the RIC concludes its work.

Status: This recommendation has been communicated to the Oversight Group. Implementation of this recommendation would include the college's development of a specific charge, scope, and set of priorities.

(6) The college should create a more robust training program for faculty that includes focus on Title IX, Equal Opportunity, reporting responsibilities, and resources.

Status: Work on this recommendation predates the Cozen O'Connor report and is ongoing. During Academic Year 2022–2023 and summer 2023, the Office of Title IX & Equal Opportunity collaborated with the Department of Public Safety and ITS to develop a homegrown online training module for employees that details relevant laws as well as responsible employees and campus security authority (Clery) reporting obligations and instructions. The improved training was launched in the Fall 2023 semester.

(7) The college should develop policies to address boundary violations, grooming, and problematic interactions with colleagues or students, including those that are not Title IX or EO policy violations. In instances where such conduct may not be reasonably captured in a policy, the college should establish guidelines and appropriate norms and communicate these broadly to the campus community. The RIC recommends that the proposed working group on Culture Shift (see above) be tasked with continuing the development of such policies and guidelines.

Status: The onset of this work predates the Cozen O'Connor report, including the development of the Travel with Students Policy. However assigning these initiatives to a specific body, such as the Culture Shift Working Group (action step #5, above), will accelerate progress. The newly created college-wide Policy Advisory Committee ("PAC") will focus on creating systems of shared governance in the development of college policies and effective channels of communication regarding new policies. The PAC has been mandated to oversee the development of a process to create, review, discuss, approve, publish, and enforce non-academic campus policies. During AY 2022–2023, the Office of Title IX and Equal Opportunity and the Office of Compliance and Risk Management jointly administered multiple training sessions regarding boundaries to select groups of faculty and staff. The orientation program for incoming students also integrated new content regarding identifying situations in which faculty and staff fail to follow appropriate boundaries and resources students may access in such instances.

(8) The college should develop consistent procedures for documentation of issues, interventions, and steps taken to address them, including appropriate follow up with the individual(s) who brought the issue forward.

Status: This recommendation has been communicated to the Provost and to the Office of Title IX and Equal Opportunity. Title IX already follows this recommendation by retaining records for all reported issues and the steps taken to address them, as well as following up with reporting parties where appropriate. The Provost’s Office will work with appropriate faculty governance bodies to develop and communicate procedures for documentation and addressing of reported concerns, including anonymous reports or those that may not constitute policy violations.

(9) The college should host an annual conference where the entire Holy Cross community and relevant community partners come together to engage in sexual violence prevention awareness, to receive updates on college work in this area, and to remember our history.

Status: The RIC recommends that the Culture Shift Working Group be responsible for considering and carrying out this recommendation.

(10) The college should provide an annual report on the status of the college’s response to the Cozen O’Connor recommendations.

Status: This communication constitutes the annual report to the community for AY 2022–2023.

Other Steps Taken at the College

In addition to the recommendations emerging from the RIC’s work, various departments at the college have been actively engaged in addressing the Cozen O’Connor report’s recommendations, including:

- Training for all employees on reporting requirements of responsible employees and Clery campus security authorities (Fall 2023 semester online module launch).
- Continued proactive promotion of the Office of Title IX & Equal Opportunity (e.g., regular office newsletters providing educational content and highlighting events and programming).
- Office of Title IX & Equal Opportunity ongoing access to outside counsel.
- Dissemination of an annual report by the Office of Title IX & Equal Opportunity providing data regarding reports and resolutions.

RIC Next Steps

The RIC has assigned members to new working groups to address the thematic areas of recommendations that have yet to be completed. Some of the original four working groups will remain in place in order to provide continued oversight for recommendations that are in progress, including the planning for restorative justice events and practices.

The committee will continue to endeavor to be true to the example of the Cozen O’Connor report in centering survivors’ experiences. As co-chairs, we are grateful to the members of their committee for their important work and to all the members of our community who strive every day to ensure accountability for past harm, to prevent future misconduct, and to ensure the safety and wellbeing of our students.

Yours truly,

Derek DeBobes, Director of Title IX and Equal Opportunity
Ann Marie Leshkovich, Dean of the Faculty
Co-chairs, Recommendation Implementation Committee