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A Governance Challenge Presents a Governance Opportunity

Lessons from the State University of New York Sexual Assault Prevention Working Group

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The development of a uniform policy on sexual violence response and prevention for the State University of New York (SUNY) system followed a unique process of shared governance. Governor Andrew Cuomo held an unprecedented meeting with the SUNY Board of Trustees to urge passage of a resolution establishing a uniform policy across all SUNY institutions; previously, all SUNY colleges had such policies, but they were not identical. What followed was a combination of top-down administrative guidance, and bottom-up response, to address the resolution within a two-month deadline. SUNY's provost established a Working Group, led by members of the system counsel's office (bringing expertise in federal regulation around sexual violence response to the group); membership of the group included campus presidents, faculty governance leaders, campus and system student-affairs and Title IX practitioners, campus and system police leaders, students, and outside victim advocates, with additional input from faculty and staff experts—truly a shared governance body. The group converged rapidly on a policy that follows national best practices, but moves them forward in a new, coherent manner, and forwarded recommendations to the SUNY chancellor, Board of Trustees, and Governor Cuomo. The result also formed the basis for legislation creating a uniform sexual violence prevention policy for all New York colleges and universities. While large working groups and short deadlines often militate against successful outcomes, the combination of shared goals, thoughtful use of technology, collegiality among a diverse group of representatives, and a sense that there was no time to waste, led to

success beyond initial expectations. This chapter ends with examples of how aspects of this process can be recreated on individual campuses to accomplish other tasks, particularly when challenges (such as tight time frames) conspire against conventional governance processes.

Introduction

On October 2, 2014, New York Governor Andrew Cuomo met with the State University of New York Board of Trustees, requesting that the board approve a resolution calling for a uniform, SUNY-wide policy regarding sexual assault prevention and student rights.[1] The meeting was historic: no one could remember another time that a sitting governor attended a meeting of the Board of Trustees. The governor, SUNY's board chairman, campus presidents, and other speakers recognized SUNY's work regarding sexual assault prevention. The board's message was that, while SUNY has five dozen very good policies, SUNY would be better served with a single cutting-edge policy that could serve as a model for state legislation and for colleges and universities across the country. The trustees passed a resolution calling for the chancellor and her designees to develop a set of uniform policies within sixty days.[2]

Within hours of the resolution's passage, SUNY personnel from the Office of General Counsel, University Life, University Police, and Provost's Office began to discuss how to move forward. With significant support from the Chancellor's Office, the group coalesced around the idea of putting together a temporary working group of some of the best thinkers in this area from within the SUNY system, while also reaching out to external experts who could bring additional perspectives to the table.

In late October 2014, the provost of the SUNY system appointed members to the group that were uniform only in their diversity and capabilities; he charged them with the development of uniform system-wide policies to prevent and address sexual and interpersonal violence on campus, in response to the resolution from the SUNY Board of Trustees. While the policies themselves were cutting-edge, something else came about in the process: a new method of truly *shared governance*. Members amazed themselves and others by being able to respond rapidly to short-term policy formulation. This chapter emerges from the actions leading to the specific goal achieved, and the subsequent belief that what occurred may have a secondary benefit—the process used may serve as a model for other initiatives at SUNY and other large institutions.

Background

SUNY is decentralized by design. A complex institution, the university has 29 state-operated colleges and 30 community colleges, as well as four statutory colleges at Cornell University and one statutory college at Alfred University. The SUNY Board of Trustees sets general policies and budgets at a high level, while administrators, faculty, and professional staff implement policies at the system and campus levels.[3]

SUNY as an institution is strongly committed to the principles of shared governance (e.g., Cramer, 2017), evident during the implementation of the Power of SUNY Strategic Plan developed under Chancellor Nancy Zimpher's direction. The faculty of the 34 state-operated and statutory campuses of the SUNY system are represented by a University Faculty Senate, comprised of senators from each campus, including an executive committee that can act on the body's behalf between its thrice-a-year plenary meetings.[4] The University Faculty Senate is empowered by the SUNY Board of Trustees "as the official agency through which the University Faculty engages in the governance of the University."[5] Similarly, faculty of the 30 SUNY community colleges are represented by a Faculty Council of Community Colleges, which meets as a body twice yearly and also has an executive committee that meets more often.[6] Students from across the 64-campus SUNY system are represented through the SUNY Student Assembly, which also meets twice a year and has an executive committee that normally meets once per month. The SUNY presidents typically convene monthly during the academic year to discuss emerging SUNY policy issues.

Historically, policy-making in student life and student affairs has been at the campus level, with high-level initiatives developed by the system and, on occasion, the board. Each campus maintains a Student Code of Conduct (or similarly titled document), which is developed and amended by campus professional staff with the advice of the university-wide Office of General Counsel and approved by a University or College Council (for state-operated campuses) or College Board of Trustees (for community colleges) that is local to the campus. Most members and the chair of the councils and boards are appointed by the governor and are joined by a student member at each campus. In general, these codes of conduct are locally derived rather than uniform across the SUNY system. None of the authors of this chapter, with a collective eight decades in SUNY/higher education are aware of any cases of detailed student affairs policies that all state-operated and community colleges have implemented uniformly.

SUNY has been a national leader in efforts to prevent and respond appropriately to violence, including sexual violence (e.g., Katz & DuBois, 2013; DeGue, 2014). The university uses the efficiency of system-wide offices that do the following:

- Analyze legislation and regulations.

- Routinely provide comprehensive and specialized trainings to keep at the forefront of policy development and program implementation.

- Maintain and share up-to-date awareness, in ways that are not possible at small public and private institutions that cannot devote the time and resources to this complicated topic.

- Gather together role-alike groups (representing chief student affairs officers, student conduct professionals, counselors, campus police and safety directors, student housing professionals, and others) regularly during the course of the year; these meetings allow campuses and system professionals to share best practices and models, while also allowing plenty of time for questions and discussions.

These strategies ensure that each campus has the appropriate information to meet the legal requirements and, just as often, go beyond those requirements. In so doing, services for students and employees can be designed to incorporate the most current best practices.

SUNY's Office of General Counsel conducts myriad trainings each year and operates a handful of listservs, including ones devoted to questions regarding the Clery Act and Title IX, federal laws about campus safety, and the prevention of violence and sex discrimination. SUNY attorneys draft guidance and analysis documents following statutory and regulatory changes and cull lessons learned from audits and program reviews at SUNY and externally. For example, after the Department of Education issued proposed regulations to implement the Violence Against Women Act (Department of Education, 2014), the Office of General Counsel conducted two trainings for more than 250 SUNY professionals in June and July and issued a 93-page guidance document in July 2014 (Office of General Counsel, 2015).[8] The guidance document was downloaded over 20,000 times by institutions within and outside New York over the next six months and more than 35,000 times over 18 months. In fact, the training has always operated under a model of sample docu-

ments and language that each institution could adopt or modify as meets the individual campus culture. Consequently, while campuses generally maintained compliant and innovative policy language, the actual policies themselves differed quite a bit.

The Challenge

The October 2, 2014, Board of Trustees resolution set a 60-day deadline for SUNY to

> adopt a comprehensive, uniform, system-wide sexual assault prevention and response plan to be implemented at all SUNY campuses that will include the following: (1) the uniform Sexual Assault Victims' Bill of Rights; (2) the uniform sexual assault student reporting amnesty policy; (3) the uniform freshman orientation training; (4) the uniform Confidentiality and Reporting Protocol; (5) the uniform campus climate assessment; and (6) the uniform definition of affirmative consent.[9]

This deadline imposed an aggressive timeline for completion of a difficult project, particularly given the desire of the governor and the SUNY Board to produce a set of policies that could serve as a state-wide and national model. It was also occurring in the context of a growing national conversation about sexual violence on college campuses (Storch & Stagg, 2016).

The short timeline also challenged the conventional shared governance structure within SUNY. Although each of the governance groups noted earlier has an executive committee or equivalent that can meet as necessary, as well as a process to appoint representatives to committees and task forces, the organizations are not constituted in such a way that they can nimbly respond to rapidly evolving policy initiatives. Given these constraints, engaging the governance groups was going to be challenging in the context of the tight time frame. Thus, it became evident that a nimbler governance model needed to be used, which led to the formation of the Working Group.

Part of a National Conversation

The Working Group's efforts did not occur in a vacuum. The issues of sexual and interpersonal violence on college campuses had become a part of the mainstream national conversation. It came up in legislation that

made changes to the Clery Act via the Violence Against Women Act (VAWA) reauthorization of 2013,[10] in a White House Task Force report covering the issue and offering resources and model documents (White House Task Force to Protect Students from Sexual Assault, 2014), and in a number of high-profile news stories about assaults on college campuses that occurred both inside (Hobart and William Smith College, e.g., Bogdanich, 2014; Columbia University, e.g., Perez-Pena & Taylor, 2014) and outside (University of Virginia, e.g., Somaiya, 2015; Florida State, e.g., Macur, 2013) of New York. Informed by the White House Report, Title IX guidance, and VAWA, the Working Group sought to create documents that would be compliant with existing law and valuable (rather than confusing) to the students and employees reading them. While informed by what was happening nationally, the Working Group was independent of any legislative and other changes and intentionally sought to take the long view rather than react to any single story or proposal.

Context for the Work

In April 2011, the Office for Civil Rights (OCR), the office in the federal Department of Education that enforces Title IX, issued guidance on peer sexual violence in the form of a "Dear Colleague" letter (DCL); the letter outlined colleges' obligations to prevent sex discrimination, including sexual violence, and to respond promptly and appropriately when it occurs.[11] Since the publication of the letter, OCR has published a nearly 50-page question-and-answer document about the DCL[12] and a more recent package that contained a Title IX resource guide and two letters.[13]

The 2011 letter kick-started a national movement for colleges to update policies, hire new staff, and dedicate significant resources to training employees and students. In the policy updates, institutions of higher education had to ensure the following:

- At the outcome of an adjudicatory process or investigation, they would provide simultaneous notice of outcome to both parties—the accused/respondent and the victim.

- Colleges offering an appeal to an adjudication had to provide victims the opportunity to appeal as well, on the same bases as the accused individual.

- Importantly, the DCL mandated that every college use the same burden of proof or standard of evidence when considering complaints of sex discrimination: preponderance of the evidence.

  o A "preponderance of the evidence" standard requires the decision maker to ask whether it is more likely than not that the alleged discrimination occurred.

Many institutions have moved to hire additional staff since the DCLs (and subsequent guidance) were published. Schools either hired Title IX coordinators and investigators or designated existing employees to fill those roles. Before designating an existing employee, schools consider issues about workload, experience, and potential conflicts of interest. Importantly, the letter issued was not statute or regulation, but *guidance*. Some will take issue with the notion that the letter can "mandate" or "require" anything, yet it is by these standards that OCR is investigating and enforcing today.

The United States Congress has also reacted to the national concern about campus safety. In March 2013, Congress reauthorized the VAWA (originally passed in 1994), also amending the Clery Act.[14] The reauthorized VAWA added dating violence, domestic violence, and stalking to the list of Clery-reportable crimes to be counted and then disclosed in the institution's annual security report. But its focus is on *prevention* and *appropriate response* to those crimes as well as sexual assault.

Since its 2013 reauthorization, VAWA has required that every institution receiving federal funds do the following:

- Conduct primary prevention programs and annual awareness campaigns to educate students and employees about VAWA crimes, their prevention, and possible remedies and adjudication options.

- Thoroughly inform about accommodations and services offered by the institution.

These programs are not one-time, check-the-box events but rather are ongoing, diverse, creative efforts to reach the campus community and truly change the culture. VAWA also mandates that institutions provide certain information in writing to all victims of these crimes, and certain rights to parties in related institutional disciplinary proceedings. These

rights include the victim's right to be accompanied by an advisor of his or her choice.

Importantly, VAWA amended a section of the Clery Act requiring that colleges have policies that offer students both the opportunity to notify on-campus officials or law enforcement of a crime and the right *not* to notify law enforcement. The new legislative language keeps the control of how far to proceed in a process where it should be, in the hands of the victim or survivor, and it was a tact that the Working Group used as well.

The Working Group at SUNY had to consider these recent changes in federal law and ensure that any new policies that were drafted would be complementary and not duplicative.

Developing the Working Group

So much had to happen in such a short time: there was no time to waste in moving ahead to develop policies. In thinking about meeting the requirements of the resolution, an expertly informed uniform policy within 60 calendar days, we understood that we would not be able to use a traditional governance model. This is not to say that we threw governance out the window (far from it), but that we would have to develop and adapt a new model on the fly if we were to meet this challenge.

The Working Group, formally titled the Chancellor's Temporary Working Group on Continual Improvement to Sexual Violence Prevention Policies (hereafter referred to as the Working Group), was charged by SUNY Provost Alexander Cartwright and coordinated by Joseph Storch and Andrea Stagg of the Office of General Counsel and Jessica Todtman of the SUNY Policy Office. The group was comprised of 34 members who represented SUNY constituencies ranging from campus presidents to faculty and students, to campus and system student affairs, Title IX, and police professionals, as well as outside experts.[15] Amazingly, the Working Group met only twice—once in late October 2014 to develop a draft set of policies, then again in mid-November to finalize the recommendations. Creative strategies were used to enable ongoing work to occur between meetings, guided by three principles that drove the development and work of the group:

1. The need for expertise as well as broad participation to provide legitimacy.

2. The importance of positive group dynamics.

3. The commonality of interest and commitment among the group members, both for the topics to be covered and for acceptance of the structure of the process.

These three principles are discussed further in the following sections of the chapter.

Expertise and Legitimacy

Key to every decision we made was an ethos of expertise and legitimacy. We (co-authors and Working Group conveners Storch and Stagg) recognized that we didn't possess the answers to every question within the walls of the SUNY System Administration Building. One of the authors, when thinking about the process to use, was reminded of the quote from former secretary of defense Donald Rumsfeld:

> Reports that say that something hasn't happened are always interesting to me, because as we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns—the ones we don't know we don't know. And if one looks throughout the history of our country and other free countries, it is the latter category that tend to be the difficult ones. (Rumsfeld, 2002)

There was significant expertise at our own SUNY campuses and within the higher education community. We reached out as broadly as we could, to bring these experts to the table. In the end, we asked about three dozen of the busiest people we could find to turn their calendars upside down for a month and engage in this process. Even with their busy schedules, not a single person refused the request. We were heartened by the active engagement of all those asked to serve.

True expertise applied in a transparent process can significantly increase the legitimacy of any policy. We sought participants who would meet the following test: Would others in their line of work, who wished themselves to be on the Working Group, look at the list of participants and say to themselves, "well, if I can't be on the group, at least _____ is a member of the group, and so our voice is being heard." That was the test and we applied that to every participant before we asked them to join.

Early on, we decided to solicit members and not ask for volunteers. We wanted the best thinkers on the topic, but we also sought out participants who had exceptional team-building, and positive group dynamic, skills. We were all very clear: we absolutely did not want meetings to devolve into the type of gatherings many in higher education (and large organizations of all types) have experienced: arguments about tiny rules of grammar, factions forming, insults hurled, and so on. We wanted participants who would roll up their sleeves and get to work in a collegial fashion. At the same time, we recognized the need to engage the leadership of the shared governance organizations to ensure legitimacy in the eyes of SUNY constituencies.

It was likewise important for us to hear voices outside the SUNY system. While SUNY has significant internal expertise stretched across our campuses, we believed we would not have a full knowledge base unless we gave a forum to outside voices. Outsiders also helped with the twin goal of legitimacy. We anticipated that opening ourselves up to the views of outsiders would allow others who were outside the process to know that we were not making recommendations solely to limit risk for SUNY; rather, we wanted to make significant headway on these important issues. As with the SUNY members we invited, it was crucial that each outside expert we considered have the complementary traits of true expertise and collegiality. We wanted people who would come to the table with good ideas based upon knowledge and experience, who also had willingness to work with others, teaching and learning in a collegial atmosphere. We were lucky to have four "all-stars" join us. As with our internal stakeholders, of the four people we asked, all four said yes.[16]

Thinking about Group Dynamics

If we were going to accomplish this task within the short time period, we believed strongly that we needed a cohesive group that worked well together and did not devolve into factions or castes. We took a few steps to ensure that all participants were treated the same, and all statements and ideas were accepted equally.

Economists bemoan the effects of *information cascades* and *reputation cascades* on individuals within groups (e.g., Easley & Kleinberg, 2010).

Information cascade occurs when individuals within a group subsume their own opinions on a matter based on what they hear from others who speak before them, assuming that the prior speakers have more information on the topic.

For example, if a group were questioned in order on a straightforward, easily provable question such as which ocean is bigger, Atlantic or Pacific, and the first three answer Atlantic (and perhaps show some confidence in their answer), the fourth answerer, who privately (and correctly) believes the Pacific to be larger may yet say Atlantic, assuming the others have more *information*.

Reputation cascades occur when individuals subsume their own opinions on a matter in deference to others who have a higher status or reputation in general or on a specific topic. They occur often in corporate and government settings wherein speakers are afraid to espouse opinions differing from their leaders' or those senior to them. Examples abound and have resulted in major errors and even wars where those with dissenting opinions hold their tongue for fear of disagreeing with leadership. We worked hard to avoid both cascades.

We took everything into consideration, including space, to make sure that we were conveying a consistent message. For example, prior to the first meeting, we looked at the boardroom initially assigned to us for the session. SUNY does not have many choices for conference rooms at the System Administration Building in Albany. The boardroom is a large room with a big center table flanked by rows of chairs. We went to meet with the special events team to request a different room. Our fear was that presidents and trustees would sit at the main table, vice presidents and deans would sit in the first row of chairs, and students and faculty would sit in the back. It was important to us that each attendee be at the same level.

Luckily, the special events staff were very interested in helping out. They switched several things around to move the meeting into a small courtroom, in a building adjacent to the SUNY headquarters. Although this meant that their staff had to turn that room over twice in a single day, they were very kind to voluntarily do so. We asked for round tables to discourage factions forming on different sides, or any question about who should sit at the "head" of the table. Coordinators sat at the same round tables as the members. We were thus able to achieve our goal, that no status would be conferred by physical position in the room.

We then set about planning the first meeting. The tent cards used to identify the participants had a very large font for the first name, very small font for the last name, and purposefully did not include titles. We didn't want an exchange to be "President Smith, what do you think about X?" "Well, Bill, I think Y." We strongly encouraged use of first names only. We also assigned initial seating so that every table had a mix of individuals,

and we avoided seating together like-minded people or people with similar positions or backgrounds. We used a mix of "attendee choice" and "assigned sessions" when we broke out into groups to address different aspects of the policy; we used a purposeful design to ensure that very few people would be together in more than one breakout session. We wanted members who didn't know each other to meet, and interact, as equals.

At the beginning of the first meeting, we declared that the policies to emerge from the Working Group would be consensus documents. We would take no votes and make no executive decisions. We would not elect officers or elevate any Working Group member over any other. Each point and decision would be made by group consensus. Admittedly, this was a risk— disagreement from a single person could sink the entire process—but we decided to take that risk on this group. We were counting on what we knew about the membership, their expertise, and their collegiality. All opinions were listened to and put on the table, all suggestions were treated equally.

We were careful to make the environment resource-rich to avoid information cascades: we offered many accessible resources, including access to the web, documents, and resource experts in the room, available for consultation. We encouraged participants to bring laptops or tablets and provided charging stations. When a speaker made a statement that was not precisely accurate, other members were empowered (and given the resources) to respectfully disagree, and to offer evidence of why they disagreed. Maximizing information from multiple resources led to a more educated group, and better informed outcomes.

Moving people around, and having them meet other members with whom they would not otherwise come into contact, and leaving all discussions open to all members, helped us fight off reputation and information cascades. If hands were simultaneously raised by a more senior member and a more junior member, we called on the more junior member first. We encouraged respectful disagreement, and the members themselves encouraged respectful disagreement as well as encouragement. We found that some of our most senior members supportively said, "Good point" or "I agree," after a more junior member made a differing or disagreeing point. We also kept up the mantra that there are no single answers, and we would be reaching consensus as a group.

Commonality of Purpose

All the preparation in the world would have been for naught if the committee did not have commonality of purpose, and an overt commitment to

collegiality. It helped that the initial resolution from the Board of Trustees set clear goals, and that accomplishing those goals would be a significant challenge. There was no time to waste, and the professionals and students at the table endeavored to work efficiently toward accomplishment of all goals. Admittedly, it is rare to have such unity of mission among a disparate group, but we were well served by the initial presence of both SUNY Chancellor Nancy Zimpher and Provost Alexander Cartwright. They gave a clear charge to the members and set a tone of collegiality and common intent. You cannot replace an active and positive "tone from the top," and those charges were taken to heart by each member of our dedicated group. The feeling generated at the outset of our work together continued through the process.

Feedback from Constituencies

It was very important to the process that the policies not be written in a vacuum. Even though the Working Group had been intentionally constituted with a diversity of membership, there were still bound to be additional voices and perspectives missing. Thus, once the Working Group had developed a set of draft policies, we sought additional feedback from the SUNY community, as well as outside groups. We realized that, depending on the topic and timeline, it may be best to share draft documents broadly to get the most unfiltered feedback rather than wait until the document was finalized.

Town Hall Meetings

We held two "Town Hall" meetings, using Webex™ webinar, for SUNY participants. The draft policies were uploaded to a SUNY web page and invitations to review the policies and participate in the webinar were sent to each state-operated and community college president and, via the presidents, to the campus communities. We also sent invitations over several listservs that the SUNY Office of General Counsel maintains to share information on Title IX, the Clery Act, and compliance in general.

The attendance at the Town Halls was impressive. Over the course of the sessions, approximately 180 sites signed on (many sites had more than one person, so we do not know the exact number of attendees). Coordinators briefly described highlights of each of the policies and then took feedback via phone and via chat. Many comments and suggestions

came in; each contribution was incorporated into a master document that would be used to review each policy.

Concurrently, we placed a comment form on the Working Group web page. We received over 100 comments through that form and hundreds of additional comments and questions via email and telephone. This process worked very well for us, since items submitted via the form populated a database available to the coordinators, and all members of the Working Group. As with other comments received—either through the Town Halls or individual emails sent to the coordinators—all input was added to a comprehensive "comments and changes" document. This master document was subsequently used by the Working Group as it finalized the policy recommendations. The coordinators carefully went through the master document and redlined the policies, making use of all comments, realizing that each comment could be accepted, modified, or rejected. The coordinators worked jointly and deferred to each other's expertise. For comments that suggested changes to language or substance, the coordinators provided several language or policy options to the Working Group members based on the submitted comments, and the group evaluated whether and how to make changes based on the comment. Remaining comments or questions that could not be incorporated in the policies or were not appropriate for the policies were transformed into a guidance document provided to campuses after the policies became final. The guidance document included both background information and a catchall question-and-answer section.

Meetings with Advocacy Groups

In addition to meetings with SUNY stakeholders, the coordinators, with the assistance of the governor's office, held a number of meetings (in person and by video) with outside advocates and experts from around the state. Each expert reviewed the policies and provided feedback to, and asked questions of, the coordinators. The input from the outside advocates and experts was treated precisely the same as the suggestions from within the SUNY community. The outside experts offered many substantive comments, which ranged from small fixes in word choice or sentence order to large conceptual and resource suggestions. They were generous with their time, and the final policies were better for having had the interactions. As a bonus, SUNY was able to develop great contacts with advocates and experts. In the time since the completion of the policy process, many of these interactions have deepened into new partnerships; connections such as working together on grant ideas, sharing resources,

attending conferences together, and cross-training constituents have all taken place as productive offshoots of the initial work.

Perspectives on the Governance Model

The process that was followed in convening the Working Group was outside of the normal governance procedures that SUNY usually employs when engaging in policy initiatives. For example, the policies for two recent major SUNY initiatives—seamless transfer and Open SUNY—were developed collaboratively by faculty and administrators working on committees that were jointly established and designated as "advisory" to the SUNY provost. As we have discussed, this particular initiative did not lend itself to the deliberative process that is characteristic of faculty-administrative committees typically formed.

But, in hindsight, we asked ourselves a question that we didn't have time to consider while the work was underway: was this an appropriate approach to *shared governance*? In this section, we consider three perspectives: that of a faculty leader, an interim college president, and a student leader, all of whom served on the Working Group. Relevant biographies of the three authors of this section are as follows:

Faculty: Co-author Knuepfer, at the time of the effort described in this chapter, was president of the SUNY University Faculty Senate, and in that capacity, he also served as a member of the SUNY Board of Trustees. He was asked to be a member of the Working Group to ensure representation from the faculty governance body of the state-operated campuses (then the president of the Faculty Council of Community Colleges, Tina Good, also was invited to serve on the Working Group and did so as representative of the community college faculty).

President: Co-author Asselin served for seventeen months as the acting president of Schenectady County Community College (SCCC). It was during this interim period as acting president that she was asked to serve as one of four SUNY college presidents on the Working Group. Her extensive prior experience working in student affairs within a community college setting added a unique and critical perspective to the Working Group. Co-author Asselin has returned to the position of vice president for student affairs at SCCC since the appointment of a new college president at Schenectady County Community College.

Student: Co-author Mould was serving as the president of the Student Assembly of the State University of New York (SUNY SA) during the

2014–2015 academic year. As such, she represented the interests of all 460,000-plus students enrolled at SUNY institutions, and she also served as a member of the SUNY Board of Trustees. With degrees from Genesee Community College and SUNY's Empire State College, she continued as a graduate student in higher education and student affairs at SUNY Empire State College after completing her work as a trustee.

Faculty Perspective: Peter L.K. Knuepfer

When the Board of Trustees convened an extraordinary meeting at the request of the governor, to consider establishing a uniform policy on sexual assault across SUNY, I had several reactions.

First, this is an important issue that should not be treated lightly, or in haste. Second, the way in which this was presented—with the governor speaking to the board and to the cameras a month before his reelection—gave me pause. Third, the timetable that was established by the board resolution appeared unrealistic, even though it was clear that we already had excellent policies in place at many if not most of our SUNY institutions.

Nonetheless, I grasped the reality—we had to move rapidly to develop policies. When I received the request to be a member of the Working Group, I felt it necessary to accept the fact that this was not the process to which I was accustomed. I also recognized, instead, that it would not be feasible to take the time to identify one or more SUNY faculty who have greater expertise on these issues that I had.

In accepting the invitation from the conveners, I made it clear that, during the process, I would seek advice from SUNY faculty who have conducted research on issues of sexual violence on college campuses. This proved to be a wise decision, as the additional expertise I received from SUNY faculty and staff members helped inform the Working Group in many ways. For example, they pointed us toward some of the most pertinent literature in the field. They also shared experiences that colleagues at other universities and colleges had had with affirmative consent approaches.

It was clear to me from the outset that the members of the Working Group were committed to the development of the best-possible policy, and they were more than willing to work together within the tight time frame (only a month by the time the first meeting was convened). It was also clear that the conveners of the Working Group had done a masterful job of preparing samples—possible policy wording, reflecting the best of SUNY campus policies and other policies. These samples allowed

the Working Group members to consider and modify complex language. Indeed, it was the collegiality and shared purpose of the Working Group members, coupled with the level of preparation provided by the conveners, that made the process successful.

Administrative Perspective: Martha Asselin

When SUNY Chancellor Zimpher introduced her vision for "systemness" in 2012 during the State of the University Address, one could not fully comprehend the potential, strength, or magnitude of such a system-wide collective impact. Yet, just two years after first introducing the term, SUNY systemness was beautifully conveyed through the Working Group's collaboration to design and adopt a uniform SUNY sexual assault prevention and response policy.

I enthusiastically agreed to serve alongside the other 34 leaders on the Working Group. This was an innovative reform initiative designed to implement effective change for SUNY as a system and for each campus individually. The group was charged with the task of redefining sexual assault policies and positioning the SUNY system to set a national model for other institutions of higher education. What an honor it was to be called to this table.

Throughout my 30 years as a student affairs professional, I have long believed there is no duty more important than protecting our students, by fostering safe living and learning environments on our college campuses. I fully understood the impact a uniform sexual assault prevention policy would have and believed deeply in setting the example for others—inside and outside the system—to follow. Too often, campus judicial boards are challenged by the vagueness and ambiguity that comes with defining "consent" at the institutional level. The Working Group seized the opportunity to provide bold clarity with a uniform definition of "consent," while designing policies that reflect compassion for both survivors and those who might hold information regarding the complaint. The policies were written with respect for each member of the campus community and in full compliance with the federal law.

The Working Group collectively embraced the well-coordinated and thoughtful approach for engaging all 64 campuses within the system, while sharing a commitment to the purpose and common goal. Every member of the Working Group was fully committed to making the policy formation process fully transparent, open, and responsive to feedback collected from all stakeholders, as described earlier in this chapter. The

Working Group exemplified SUNY systemness throughout the inclusive process used to design a uniform SUNY sexual assault prevention and response policy, and, most importantly, through the final product of this collaborative work.

The SUNY Sexual Violence Prevention and Response Policy is cutting-edge, and outside advocates claim it to be the best in the nation. SUNY has taken a strong lead, and sets a high standard for other states and institutions of higher education to follow. The collective accomplishments of this Working Group will forever remain one of my proudest SUNY memories.

Student Trustee's Perspective: Lori Mould

As a trustee on the SUNY Board of Trustees, I was able to make important changes on the original resolution, which were meant to include all students within our diverse educational system, before it was presented to the board on October 2, 2014. I was impressed by the way in which my suggestions were handled and taken seriously. I believe that the resolution was a great starting point, as it served as the driving force behind the state's sexual assault prevention policies.

My role as president of SUNY SA and a member of the Working Group allowed me to bring the student perspective and insight into the meetings. The executive cabinet of SUNY SA and our advisor provided me with thought-provoking questions, information, observations, advisement, and clarity during this process. I reached out to students throughout the SUNY system (via email and social media). I needed to get a sense of what their perceptions were regarding how sexual assault/domestic violence was handled on their campuses, the process of reporting an incident, how the University Police/Campus Safety/Peace Officers dealt with the parties involved, and so on. I was able to sit down, face-to-face, with numerous students and have candid conversations regarding their ideas, issues, problems, and concerns about sexual assault/domestic violence. Together, we discussed how the students could and should have a voice in the new policy structure within the SUNY system. The students were very proactive in the conversations and offered valuable insights and stories of incidents—some of them had been involved with incidents, either first- or secondhand.

SUNY SA had numerous student leaders who spent time throughout the 2014–2015 academic school year talking to students and SUNY system administration about the importance of strong policies regarding sexual

assault/domestic violence/student safety. We spent many hours on phone conversations with student leaders from across the country, representatives from the White House, the National Campus Leadership Council, and our student leaders within the SUNY system discussing this important issue.

We held Town Hall meetings across the state to discuss how we, as students, could bring valuable insight to these issues facing our fellow students. As students, we wanted to make sure that the student perspective was heard loud and clear. We had numerous students who spoke with faculty, staff, and administrators regarding any ideas, problems, or concerns they had at their various campuses.

The information we gathered in these various settings proved to be a valuable asset, regarding how and what our students wanted to see in these policies. I appreciate the candid conversations from all the groups that we were engaged with over the last year.

From the first day, I was struck by the diverse nature and makeup of the Working Group and the input from so many individuals across the system, communities, advocates, and our nation. Even though there were many of us, there was equal time for all parties represented to have a say about the who, what, where, when, why, and how of the content for the new policies. We broke up into various groups throughout the process so that we could give all the policies/procedures an adequate amount of time and discussion. I was impressed with the demeanor of the group when we worked through the vast amount of information that was discussed/ presented. Our conversations and disagreements were handled in a cordial and respectful manner. The group was allowed the freedom for candid and frank discussions. I believe the means by which this process was handled is why we were able to put together such a comprehensive set of policies that has the potential to make all of our campuses throughout the state of New York safer for everyone.

I was privileged to have been asked to serve on the Working Group because I know that the strong policies that came from this group will serve as a safety net for our students and campuses. Together we are #SUNYStrong!

The Results

Key points from the SUNY Sexual Violence Prevention and Response Policy as passed by the SUNY Board of Trustees in December 2014 are:

A Uniform Definition of Consent to Sexual Activity[17]

Federal law and college policy prohibit sexual assault, which is briefly defined as sexual activity without consent. But what is consent? There is no federal definition, and the New York penal law definitions define consent more for what it is *not* than for what it is. For example, the New York penal law defines "lack of consent," which it says results from, among other things, "forcible compulsion" and incapacitation. Yet it does not define what consent *is*, such as the willing and voluntary engagement in an activity by an individual. For many years, SUNY colleges (and myriad institutions across the country) had used various definitions of affirmative or active consent. Such definitions put the onus on the person seeking sexual activity to obtain consent, rather than the traditional criminal law definitions that put the onus on victims to prove that they audibly and vigorously said no in a way that should have been understood.

But colleges are different from criminal courts, and have different aims. The criminal law and its courts exist to determine whether a person has committed an act that merits incarceration and removal from society. Colleges set rules of all types to create a community wherein students and other community members act in ways that encourage people to be respectful of each other. Often the standards on college campuses are higher than in society as a whole, and consent is no exception.

The Working Group looked at a compendium created by counsel's office of each college's definition; then, the group pulled the best parts from all to create a uniform definition. To avoid a patchwork-style paragraph, the group grabbed concepts rather than full sentences, so that the language of the policy had one voice.

The policy requires that anyone seeking sexual activity of *any type* with another person must do so with consent. The initial policy was silent as to how consent could be displayed, which would mean consent could be established through words or actions. The legislation passed (see following section) later made the display of consent more concrete.

Affirmative consent means that individuals are participating in sexual activity willingly, not against their will or while they are sleeping, or while they are so incapacitated from drugs or alcohol that they cannot make decisions about sexual activity.

The Working Group felt strongly that the policy needed to use *plain language*; we pilot tested our proposed language with students, to ensure that what they understood was what we meant. While the affirmative consent policies were similar to those already adopted by SUNY colleges

individually, having a single definition would mean that a student who transferred between schools or went to a different campus for graduate school would not have to learn a different standard.

Notably, one of the advocates suggested that we include language making it clear that the policies protect students regardless of sexual orientation or gender identity, since some LGBTQ* students are not always aware that they are equally protected. All agreed, and the sentence stating that affirmative consent was the same regardless of sexual orientation, gender identity, or gender expression was incorporated and included in the resulting legislation, one of the first times in history that equal protections on these bases were enshrined in law.

Uniform Amnesty Policy to Encourage Reporting[18]

No SUNY college has ever responded to a report of a student sexually assaulted while they were using drugs or alcohol by charging that student under the student code of conduct for the drug or alcohol use. Yet, during the course of the process, when we reached out to students, they almost uniformly believed that the college would readily and eagerly charge the victim.

We initially thought that an amnesty policy would not be necessary, since we knew that colleges do not charge victims. However, learning that students consistently believed that such charges were possible—or even probable—led to the clear and firm amnesty statement.

Bystanders and victims who report sexual or interpersonal violence will not be charged under the code for a drug or alcohol use violation.

We knew it was important to note that this policy only applies to violations of the student code of conduct and does not keep an individual from being arrested by local police. The Working Group was extremely careful with the language, and the amnesty is only for individual drug and/or alcohol *use* violations—meaning that clubs or organizations cannot use the policy to get out of group violations and it only applies to *use*, not sale or drugging another person.

Bill of Rights[19]

The Working Group developed a Bill of Rights, which is intended to be a brief document informing victims and survivors of sexual and interpersonal violence of their rights. These rights include their option to report to local, campus, or state law enforcement and to access campus-specific

resources, including obtaining a protection/no contact order and counseling, health, legal, and support services.

The Bill of Rights also contains firm statements about the type of respect victims and survivors should expect from college officials, including being believed, not being made to repeat the information unnecessarily to additional offices, and having their religion and civil rights respected. The Bill of Rights is accompanied by an Options in Brief statement, which provides readers with the "campus specific contact" options after an assault.

As with the consent definition and with amnesty, these rights are not new, but writing them down, hanging up copies of the rights in the residence halls, and sending them via email to every student, sends a consistent message to the campus community: all throughout SUNY should understand how to respond to these incidents.

Response Policy

The response policy was the heart of the changes brought about by the Working Group. This is one of the best examples of how our outside advocates brought an idea to the table that became a game changer. Working Group members were developing this policy using some samples we retrieved from SUNY's university centers. One of our outside advocates raised her hand and said that the order of the policies was all wrong. Victims and survivors don't need to first hear what the standard is when they are going through a student conduct hearing, or how to make changes in their academic or living situation. Colleges traditionally draft policies in manners that work well for colleges: we were challenged to redraft the policy, organizing it in such a way that it would work best for victims and survivors.

The Working Group took this to heart, tearing the documents apart before putting them back together in what we called a "Maslow's Hierarchy" ordering. First, victims need to know about who they can call immediately, 24 hours per day, to disclose events, and/or to get information. They need *immediate* information about crisis counseling and medical care. Once they have what they need, the equivalent of Maslow's basic needs, then we can provide information on accommodations, reporting to law enforcement and the campus, the student conduct process, and penalties for violations.

This was one of many examples of ideas brought to the table by outside experts, but it fundamentally changed the way we thought about the policy-making process. This encouraged us to develop policies that were consistently more student-centered.

The policy was developed to match and complement federal law on point, primarily the Clery Act as amended by the Violence Against Women Act and Title IX. In certain areas, the Working Group felt strongly that it wanted to build upon and strengthen the protections of these laws. The primary example is in the mandatory penalties for sexual assault. Federal regulations require that colleges list the sanctions available for, among other things, sexual assault, but it does not specify what those sanctions must be—each institution is free to decide for itself, but it must publish them clearly.

Some colleges made the national news by issuing inappropriate sanctions; for example, one institution imposed expulsions on students found responsible for sexual assault, but only after graduation. Another school was in the news for requiring students found responsible for multiple sexual assaults to complete an educational program in lieu of suspension or expulsion. SUNY colleges had long taken a different approach: Students who are found responsible (after a due process hearing) for committing sexual assaults should no longer be members of the college community. The Working Group unanimously adopted this as a uniform standard for the policy. The sanctions for students found responsible for sexual assault are limited by the policy to suspension, with additional requirements prior to reenrollment, and permanent dismissal. After heavy pressure by lobbyists, this element was one of the few that was not included in the legislation subsequently passed by the New York State Legislature.

Uniform Confidentiality and Reporting Protocol for
All SUNY Campuses[20]

This document provides information about various methods to disclose and report sexual violence on and off campus. It begins with the most confidential resources and later describes how college officials (without privilege or confidentiality) may respond by conducting an investigation, or at least assessing whether they must conduct an investigation under the circumstances. This fill-in-the-blank tool ensures that students have consistent, timely, and accurate information about available confidential resources.

Uniform Campus Climate Assessments[21]

All SUNY campuses will conduct campus climate assessments to gauge the prevalence of sexual and interpersonal violence on campus, test students' attitudes and awareness of the issue, and provide colleges/universities with information to help them form solutions for addressing and preventing

sexual assault on and off campus. A group of subject matter and methodology experts from around the system gathered virtually, and in person, over the course of the spring 2015 semester to draft the survey. When completed, and data are analyzed, this will be one of the largest surveys of its kind ever distributed. The hope is that the large sample size will allow for important lessons in addressing violence and educating students, especially after the biannual survey goes through several tests.

Student Onboarding and Ongoing Education Guide[22]

The Violence Against Women Act mandated an important shift in violence prevention education. Rather than requiring a single program or single orientation session (as longstanding New York law also required), the amendments to the Clery Act in VAWA require a "campaign" that includes several comprehensive elements. To help campuses accomplish this goal using best practices, the Working Group realigned the original board resolution requirement for a freshman orientation program to an onboarding process for new first year and transfer students at all levels, accompanied by training offered for all students and specific targeted populations.

We chose "onboarding," a human resources term, because it was evocative of a continuous process, rather than a single session. Orientations are already packed full of important information about a broad range of topics, and adding content likely would have diminishing returns. By shifting the focus to a process of onboarding, campuses would have the flexibility to educate students in the way that each campus could tailor to its own perspective regarding what would be most effective. Importantly, the program would not be limited to single sessions.

The Working Group assessed peer-reviewed research (including from the White House Task Force Report, 2014), as well as articles appearing in popular press. The group also drew on the experiences of members (and outsiders) who, jointly, have decades of experience training students. All collaborated to find ways to focus the policy on the most important concepts that must be covered in the onboarding, and the most effective ways to educate students. The resulting guide includes the basic concepts that must be covered and suggests over a dozen methods to convey that information, including online training, social media outreach, faculty teach-ins, and peer education programs. Each campus has the flexibility to determine how and when to use a particular training method. Flexibility in delivery is vital for a campus system that has "traditional" four-year residential institutions with students 18 to 24 years old, two-year

community colleges that are largely nonresidential, and a nontraditional college that holds most classes online or at various locations throughout the state. Campuses are expected to use various training delivery methods and assess their effectiveness through attendance, participation, and even climate survey results.

Federal law requires that the aforementioned campaign includes programs offered to everyone, and the SUNY policy adopts that requirement. The Working Group went beyond the federal minimum in two important ways.

- The policy requires that institutions offer *tailored programs to specialized groups*, chosen by each campus, who could benefit from that additional information.

- Additionally, while programming would be *offered* to everyone, the SUNY policy (and the resulting New York law) requires that athletes *complete* training prior to competing in intercollegiate athletics and that club and organization leaders and officers *complete* training prior to their club or organization being registered or recognized. The reason for the final point is that benefit can come from focusing on our student campus leaders. Realistically, a college cannot comprehensively train every single student, but by training leaders who could model pro-social behavior, a campus can improve its culture for all students.

As with other trainings, the method and content is left up to each campus to design, in consideration of its campus culture.

Implementation

The strong initial buy-in by SUNY campuses to the policy language continued throughout the implementation process. The Offices of University Police, University Life, and General Counsel organized trainings, developed guidance, and hosted conferences to allow SUNY campuses to share best practices with each other. While there were a lot of policy and technical questions, the anticipated cries of top-down unfunded mandates never came. The decentralized SUNY system, used to accomplishing tasks campus-by-campus, had come together to develop the policies, and campuses worked to implement them with very positive attitudes.

Information Sharing

The Working Group's legitimacy and expertise were not only crucial to policy development, but also to implementation. Of course, policymakers were comfortable implementing the policies that they had written with their peers at the table. Still, not every institution had a stakeholder from that college or university at the Working Group table, yet somehow SUNY needed buy-in from all 64 campuses.

At the end of the second working group meeting, the members all agreed to send the policies to their colleagues across the SUNY system, along with a message in their own words. For example, a director of a health center sent out an email about the policies to the listserv of health center directors. Two community college presidents sent a joint message to their fellow community college presidents. Rather than the policies coming top-down from lawyers, the information came from colleagues who had represented their peers' interests and expertise at the drafting table. They not only felt like they were in the loop, they *were*—they were informed, they were asked for feedback, and they were able to meaningfully contribute to the process, even though they did not sit at the table. Having these experts send the content directly to their colleagues continued the process of expertise and legitimacy working hand in hand.

Use of Technology

Building on the online comment form used for feedback on the policies, group members found that it was important to use technology throughout the process. Technology allowed members to save time—policy creators as well as those who would be implementing/using the policies. The coordinators worked to make the implementation as efficient as possible.

To maximize ease of use, SUNY developed fill-in-the-blank templates and hosted several face-to-face/online conversations among campuses. Part of the original resolution required each SUNY college to report back to the chancellor by March 31, 2015, on its progress toward implementation of the policies.

Traditionally, this would have required professionals at each institution to spend hours creating a document that described its work in prose and submitting it to someone at System Administration. That individual would have to read all the submissions, summarize content, organize the levels of response, and get back to campuses that were not in compliance. All told, this would have required thousands of hours across the university.

We decided that we would rather have these professionals spend their time working with students. We eschewed the traditional report and instead took it to its basics.

- Each campus needed to notify the chancellor about its progress toward adopting and implementing the policies.

- We developed a one-page electronic form to accomplish this notification with brief biographic information about the person responding, yes/no reply to having implemented each policy, as well as date, if yes, or on what date anticipated, if no.

Campus members saved time; instead of completing a narrative report, someone filled out the online form, which automatically populated a spreadsheet. We were able to report implementation level to leadership in real time, without having to wade through hundreds of pages of extraneous text. Campuses responded positively to this reduction of bureaucracy—and saving time.

Coda: The Policies Form the Basis of Legislation

Following the chancellor's issuance of the university-wide policies, the governor's office reached out to SUNY to turn the policies into legislation, to be applied to all of the colleges and universities in New York, not just the SUNY schools. The Office of the General Counsel (co-authors Storch and Stagg) drafted the legislation and represented SUNY in discussions with lawmakers to negotiate state-wide legislation.

Since Article 129-A of the New York State Education Law was already so filled with various policies and mandates developed over many different legislative sessions, SUNY's initial draft started with a clean slate: a new Article 129-B. The governor's office submitted the policies as part of his budget legislation in January 2015.[23]

One of the most useful pieces of feedback received concerned the applicability or inapplicability of certain provisions to private colleges. We didn't disagree. The original policies were drafted specifically for SUNY colleges, colleges that already had certain provisions in place, spoke a common language using certain terms, and were bound by the constitution in areas like due process. Our private college colleagues used different standards and had different experiences and training. We benefited

significantly from the feedback of higher education attorneys representing private colleges, who are themselves experts in these laws. As was the case with SUNY, the intent of these attorneys was not to diminish or weaken the law, but to make changes that made more sense for the system used by private colleges without harming the system used by SUNY and CUNY.

What became known as the "Enough Is Enough" legislation was omitted from the Enacted 2015–2016 New York State budget. But the leaders of the assembly and senate higher education committees sponsored separate legislation to make a uniform sexual violence policy for colleges and universities a part of state law. The longer time period between the failure of the bill to pass as part of the budget (at the beginning of April) and its eventual passage at the end of the legislative session in June also allowed for very careful consideration of every single word and the meaning that some may ascribe to it.

In many cases, we were surprised by misinterpretations of standard terms well known to everyone in the SUNY professional community. Many out there, perhaps with less experience and exposure to violence prevention on college campuses than those in the Working Group, misunderstood what certain terms meant. Rather than try to push back and demand the original language, we regularly worked with representatives of the governor's office and legislative staff to find common ground. The results included new terms and phrases that accomplished the same goals, but used plainer, clearer language. For example, while the SUNY policies used the term "victim/survivor" to refer to someone who had experienced sexual or interpersonal violence, the legislation uses the phrase "reporting individual." Like any other document written by insiders with some level of knowledge about the topic, we were well served by exposure to the public, and other stakeholders, who pushed us repeatedly to simplify the language used.

Alongside the positive changes, however, many proposed changes would have been harmful, in our opinion. The legislative process is quite different from the policy-making process we had used with the Working Group. Not all stakeholders came seeking a cutting-edge bill that would aid and educate students, while maintaining fairness toward reporting students and accused students. Some wanted to kill the bill outright. Others saw opportunities to advance alternative agendas, while still others saw dollar signs and tried to amend the bill to require that colleges hire them or their colleagues. The process was very different than the working group process, but it must be said that the attorneys in the governor's office who worked on the legislation and stewarded it through the legislative process

did not settle for expedience or quick victory. Instead, despite difficulties, they held the line in many important areas. The bill *is* a better one because of this review process. The bill was also well served by several legislative staff members of good faith. They came to the table with fresh ideas, a willingness to compromise and maintain the integrity of the legislation, while accomplishing the goals of their legislative leaders.

The policies were passed unanimously by the state senate on June 17, 2015, as bill S5965-2015, and passed the next day by the assembly with all but four voting in favor. The bill was signed into law by Governor Cuomo on July 7, 2015. The legislation gave 90 days for all colleges in New York State to come into compliance (with the exception of two sections on climate surveys and reporting to the State Department of Education, which are effective after one year).

Enactment of the legislation could have presented a new implementation challenge for SUNY colleges. With the support of university leaders, shortly after the bill passed, the Counsel's Office developed a redline document to show the differences between the original policies and the legislative changes. We were pleased to see that there was very little "red" in the redline. Most sections of the policy were all but intact with tiny technical changes, while others had a few substantive changes and reordering of sentences. SUNY lawyers provided campuses with a redline edit of the 2014 Working Group policies to specify the differences between the policies and the new legislation; luckily, there were very few changes. This guidance was provided to make it as easy as possible for campuses to comply. These changes came just as campuses were completing the summer revisions to their codes and preparing to have the codes printed. In fact, several SUNY campuses reported back that they had made all the legislative changes in the redline and sent their code to print even before the governor officially signed the legislation.

Final Thoughts: A One-Trick Pony or a New Model of Governance?

A natural question that arises is whether the process that led SUNY to a rapid result is repeatable or whether this issue, at this time, with this group, uniquely led to the results that it did. Was the result only a "one-trick pony" and not a sustainable model for governance? The authors of this chapter have given this considerable thought. Our response centers on two aspects of this experience.

First, when faced with an extremely aggressive timeline, traditional shared governance structures are not likely to be nimble enough to respond. This risks the development of policy by administrative fiat. Second, the development of a rapid policy response requires a group of willing and able participants who share a commonality of purpose and accept the need to bypass conventional processes. Such an approach is unlikely to replace conventional models of deliberative governance; many issues of policy are best served by careful, albeit not excessive, discussion and consideration.

However, for those situations in which timeliness is most essential (as might be the case, for example, after a natural disaster), a hybrid model of administratively driven shared governance that includes key stakeholders and experts can successfully respond, while still adhering to the basic principles of shared governance.

If an organization does wish to use this model to accomplish a discrete task, attention paid to *expertise*, *legitimacy*, *openness*, and the *use of technology* will be time well spent. It is clear that without any one of these pillars, this process would not have succeeded. Each of the pillars complemented the others.

To use this model well, group leaders must commit to *transparency*. Their process can be enhanced if they use technology to keep group members informed, for data collection (during the pilot stages as well as to measure success) and to push the boundaries towards the cutting-edge.

But even more importantly, to use this model well, group leaders *must acknowledge that they don't know everything about the topic* and must give real respect to the group members and to their constituencies. *Respect* given to the members engenders respect for the process and a better product. A product built with expertise and thorough opportunities for input from the community is a legitimate product. Products seen as legitimate are adopted constructively, not with opposition and anger. We could not be prouder of the results of this Working Group, but at the same time, we are deeply proud of the members, and of the process that got us here.

Notes

1. http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcast-docs/Agenda%20-%20October%202%202014.pdf.
2. The Board of Trustees Resolution is found at http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/Sexual%20Assault%20Response%20and%20Prevention%20REVISED-Merged.pdf.

3. Fifteen of the 18 trustees are appointed by the governor to set terms, with the advice and consent of the senate. Additionally, the presidents of the Student Assembly, University Faculty Senate, and the Faculty Council of Community Colleges serve as trustees. See bylaws of the Board of Trustees, State University of New York, available at https://www.suny.edu/media/suny/content-assets/documents/boardoftrustees/BY-LAWS.pdf.
4. http://system.suny.edu/facultysenate/.
5. Policies of the Board of Trustees 2014, State University of New York, Article VII, Title A, §2, http://www.suny.edu/media/suny/content-assets/documents/boardoftrustees/SUNY-BOT-Policies-June2014.pdf.
6. http://www.fccc.suny.edu/.
7. http://www.sunysa.org/
8. http://system.suny.edu/media/suny/content-assets/documents/generalcounsel/SUNY-VAWA-Guidance-2014.pdf.
9. Board of Trustees Resolution, http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/Sexual%20Assault%20Response%20and%20Prevention%20REVISED-Merged.pdf.
10. http://www.nacua.org/documents/VAWA2013.pdf.
11. http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf.
12. http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf.
13. http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf; https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf.
14. Violence Against Women Act, http://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf.
15. The full list of members, with links to their biographies, is found at http://system.suny.edu/sexual-violence-prevention-workgroup/bios/.
16. The four outside experts were Robin B. Braunstein (http://system.suny.edu/sexual-violence-prevention-workgroup/bios/robin-braunstein/); Laura Dunn (http://system.suny.edu/sexual-violence-prevention-workgroup/bios/laura-dunn/); Libby Post (http://system.suny.edu/sexual-violence-prevention-workgroup/bios/libby-post/); and Gwen Wright (http://system.suny.edu/sexual-violence-prevention-workgroup/bios/gwen-wright/).
17. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/affirmative-consent/.
18. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/drugs-amnesty/.
19. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/bill-of-rights/.
20. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/disclosure/.
21. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/campus-climate/.
22. http://system.suny.edu/sexual-violence-prevention-workgroup/policies/student-guide/.

23.   2015 New York State Proposed Budget, available at http://open.nysenate. gov/legislation/bill/S2006-2015.

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