

# Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence

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Update to the State Council of Higher Education  
for Virginia

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VAWA/Campus SaVE Act/Clery  
Title IX

# Clery Act

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (enacted in 1990 as The Student Right to Know and Campus Security Act)
- Requires annual reporting in an Annual Security Report of crimes that occur **on campus**, areas directly adjacent to campus, and in off-campus buildings or property owned or controlled by the institution
- Timely warnings, policy statements

Violence Against Women Act (VAWA)  
Campus Sexual Violence Elimination Act  
(Campus SaVE Act) (2013)

- Final regulations issued on Oct 20, 2014
- Adds requirements to Clery Act
- New reporting of statistics on domestic violence, dating violence, and stalking, in addition to prior categories
- New requirements for policies and procedures

# Title IX (1972)

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.”

# Why does Title IX extend to sexual violence?

- Title IX initial focus on admissions, then athletics
- Title IX prohibition on gender discrimination extends to sexual harassment.
- Sexual violence, including sexual assault, is a form of sexual harassment.

# Title IX

## Implementing Guidance

- Title IX Regulations (1975)
- April 2011 Dear Colleague Letter  
Focus on sexual violence against students on campus as a form of prohibited sexual harassment. **Sexual assault is sexual harassment.**
- April 2014 OCR Questions and Answers

# Responsibilities of institutions of higher education under Title IX

- Promptly investigate incidents of which the college or university knows or reasonably should have known;
- Take appropriate and responsive disciplinary action against those who commit violations, with required due process protections; and
- End any hostile environment for involved students or employees, prevent its recurrence, and remedy its effects.

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Sexual Violence

# Prevention Subcommittee Work

- Heard from nine speakers
- Learned about primary, secondary, and tertiary prevention efforts
- Reviewed targeting affinity groups, evidence-based prevention practices, and opportunities for improvement

# Prevention Subcommittee

## Focus Areas

- Climate Surveys
  - What behaviors are normal and acceptable in our campus community as evidenced by climate surveys?
  - Can climate survey data be used to drive specific campaigns to specific groups?
  - Statewide question set

# Prevention Subcommittee

## Focus Areas

- Evidence-based Prevention strategies/ programs
  - Identify the sub-populations on a campus and how they might best be targeted for education and outreach strategies.
  - The "one and done" method may not be sufficient. Determine the best times to deliver information to different populations.
  - Mobile applications being used for prevention
  - Bystander intervention

# Prevention Subcommittee

## Focus Areas

- Intersectional Issues -- K-12 pipeline approach, hazing, fraternities, alcohol use and abuse, healthy relationships
- Acknowledge how notions of gender roles can influence the incidence of sexual assault and identify successful higher education and K-12 efforts to open this dialogue

# Law Enforcement Subcommittee

## Work to Date

Eleven speakers on the following topics:

- Clery Act timely warnings
- Trauma-informed response at all levels
- Collaboration between local and campus police
- SARTs
- Title IX / criminal investigations
- Training needs for prosecutors and investigators
- Survivor perspective

# Law Enforcement Subcommittee

## Focus Areas

- Coordination of criminal and Title IX investigations - consideration of potential parallel investigations
- Campus Sexual Assault Response Teams
- Ongoing opportunities for trauma-informed sexual assault training for investigators and prosecutors
- Training for local law enforcement and prosecutors on Title IX and federal mandates

# Law Enforcement Subcommittee

## Focus Areas

- Certification process / training for Title IX investigators, including potential cadre of Title IX investigators for the state
- Reporting options
- Minimizing victim reluctance to report

# Response Subcommittee Work to Date

Eleven speakers on the following topics:

- Title IX/VAWA/Clery mandates
  - Reporting procedures
  - Interim measures
  - Confidentiality
  - Victims' rights notifications
  - Coordination between law enforcement and Title IX investigations
  - Resolutions , sanctions, and remedies upon case closure
- Statewide and local sexual violence programs
- Student perspective
- The national context in the student affairs community
- National context - higher education leadership organizations
- The impact of trauma on survivors
- Campus law enforcement response
- Four-year and two-year institution differences

# Response Subcommittee

## Focus Areas

- Trauma-informed response for survivors
- Fair and equitable response to the accused
  - Due Process
  - Interim measures
  - Should transcripts be flagged?
- Collaboration
  - Case management
  - Sharing information and resources between the institution, local advocacy groups, and crisis centers in specific cases
  - Statewide collaboration

# Response Subcommittee

## Focus Areas

- Training and education on reporting options and support services. Using technology and social media.
- Establish standards or metrics for response services and staff (i.e. ratio of counselors or confidential aides to students)
- Address and improve the gaps and collisions between federal mandates (OCR, VAWA, FERPA), Virginia law, local law and practices, and college and university policies

# Questions?

