

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

Attorney General Mark R. Herring, Chair



Draft Recommendations Response Subcommittee

Ellen W. Plummer, Ph.D.
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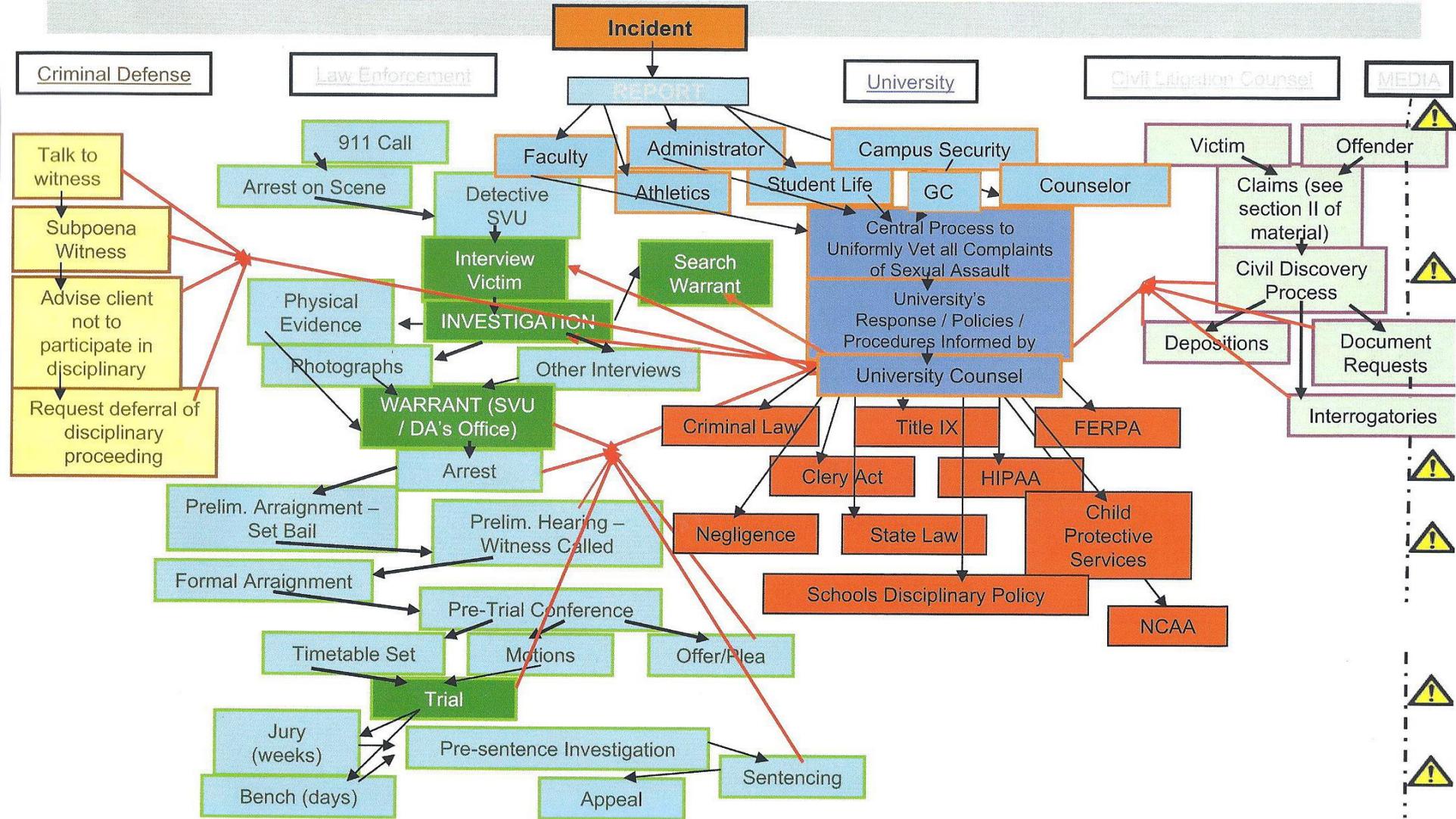
March 18, 2015

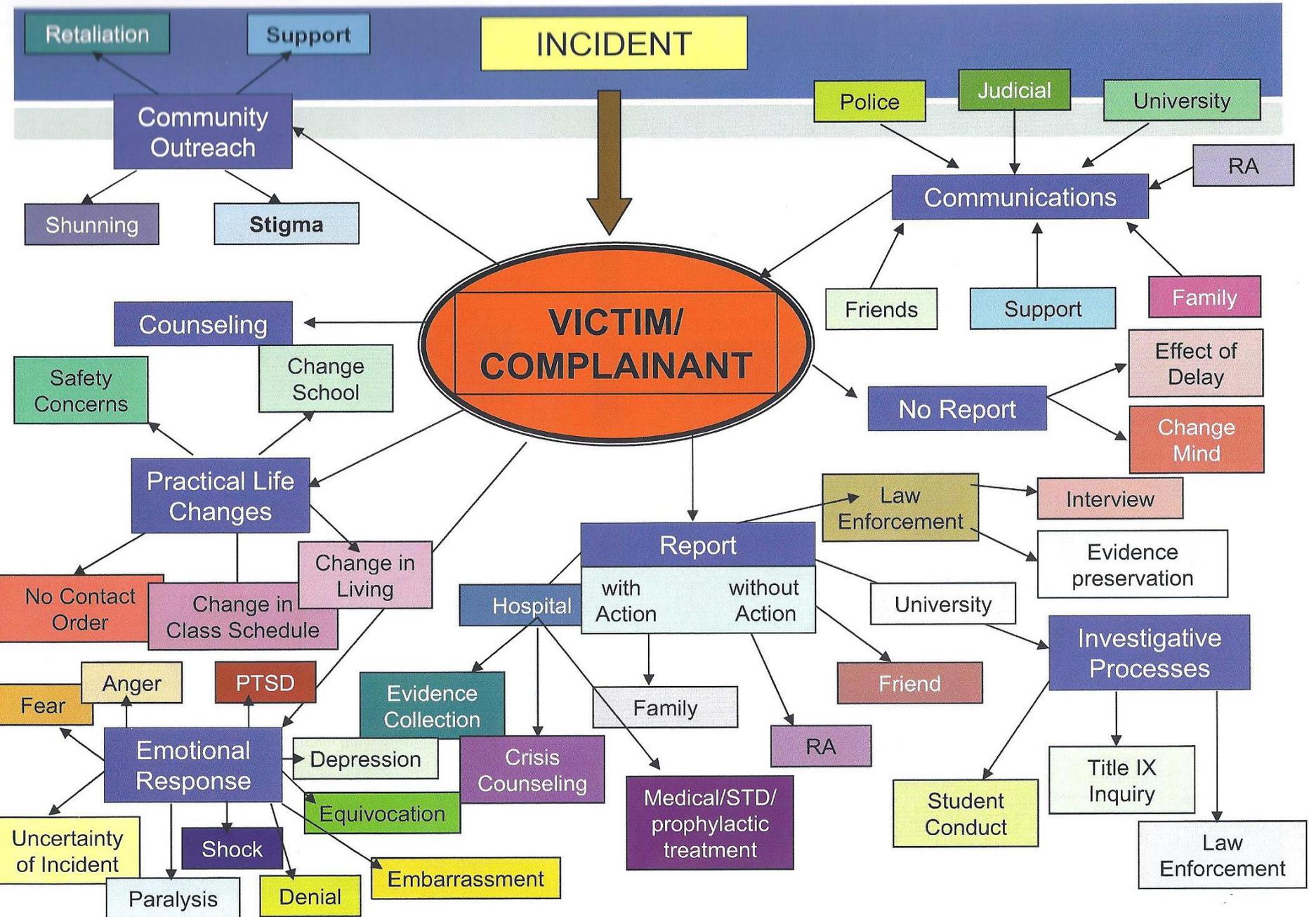


Subcommittee Guiding Assumptions

- Fairness and transparency
- Support and advocacy for all parties
- Collaboration + Coordination
 - Policies and procedures, on and off-campus
 - People - case management – for all parties
- Gathering and Sharing Information
 - Options, rights, confidentiality
- From the Task Force and beyond..

The Challenge of the Context





Recommendations

- **Gather and Share Information**

- Database
- Study of optimum staffing resources

- **Reporting**

- Safety Apps
- Infographics
- Online portal

- **Improving Response**

- Trauma Training
- MOU
- Student conduct processes

- TF and Beyond...**

- Advisory Committee
- Center for Excellence

Information Sharing Database for Expelled Students

- Maintain database of individuals dismissed or expelled pursuant to a final disciplinary proceeding for sexual violence violation as allowed by FERPA
- Information would be available to private and public institutions
- All institutions would need to participate
- Might require legislative action

Information Gathering

Optimum Level of Staffing Resources

- Collect data to establish standards of care for responding to sexual violence
- Establish metrics, minimum standards for response services and staff
- For example:
 - # of law enforcement per student FTE
 - # of counselors/advocates per student FTE
- E.g. Commonwealth's standards for instruction

Reporting Apps

- Employ Smart phone applications
- Report sexual assaults to police (anonymously or with identifying information)
- Quick access to on and off-campus services
- Could increase the likelihood of a student receiving timely support
- Customized for institution and locality
- Active link to the host institution's reporting portal provided that appropriate confidentiality of that information passing through the provider's servers (if necessary) could be assured

Reporting Info-graphics

- Online and print information about options available for reporting and information on advocacy, support, confidentiality, preservation of evidence, administrative and criminal investigations, adjudication, criminal prosecution
- Accessible – ADA : hearing and sight impaired
- Reporters must be able to quickly ascertain which employees *must* act and which employees are confidential sources
- The info-graphic should be available online and in print
- Parallel materials for reporting individuals and accused

Reporting Online Portal

- Online portal to report incidents
- The online reporting mechanism should allow a report to be made anonymously, if desired, although it should state clearly that an anonymous report may limit the institution's ability to fully investigate the alleged violation

Improve Response

Trauma Training for Responders

- Individuals providing support to victims and survivors (and their friends and families) will benefit from training on how to support trauma victims: law enforcement, Title IX investigators, student affairs professionals, health and mental health professionals, advocates
- Provide the option of confidential services to victims and reporting individuals
- Trauma-informed approach to supporting victims includes coordinated response with on and off-campus services and investigatory units
- Establish and/or enhance on-campus Sexual Assault Response Team (SART)

Improve Response

Memoranda of Understanding

- Formal agreements with
 - Community law enforcement agencies
 - Sexual Assault Crisis Centers
 - available 24/7 to provide confidential crisis advocacy response
- Students need access to resources on and off-campus. Sexual Assault Crisis Centers provide a 24-hour response for support and advocacy with staff and volunteers trained in trauma-focused services.

Improve Response Student Conduct Processes

- Review and update student sexual misconduct and related policies
 - compliance with Title IX, VAWA, and any Virginia requirements
 - Array of sanctions proportionate to the violation including expulsion and dismissal.
 - All parties should be informed of the possible sanctions
- Establish a program to train faculty, staff, and students to serve as advisors for the accused
 - Title IX and VAWA regulations require that advisors be provided to the accuser and accused
- Provide comprehensive on-line and printed materials designed for the accused that describe rights and available resources to include legal and other advisors, counseling, financial support, and other interim measures.

From the TF and beyond...

Establish the Virginia Center of Excellence for the Prevention and Investigation of Campus Sexual Misconduct

- Establish a center within a university under the auspices of SCHEV
- Research + scholarship = technical assistance
 - Data collection and research
 - Prevention strategies
 - Investigation best practices
 - Could house the database

From the TF and beyond...

Advisory Committee

- Advisory Committee to SCHEV
 - OAG + DCJS + Institutional Leaders
 - Task Force recommendations
 - Guide identification of priorities: policies, legislation, programs
 - Provide guidance to Boards of Visitors, Presidents, Chief Academic Officers, VP Student Affairs
 - Guidance on overlapping federal and state mandates
- Technical Assistance Group
 - Student affairs professionals, Title IX professionals, students, law enforcement, advocates, health and mental health professionals, educators
 - Provide technical assistance and consultative services to institutions

Draft Recommendations

Law Enforcement Subcommittee

Abby Raphael

Co-chair, Law Enforcement Subcommittee

March 18, 2015



Principles

- A coordinated response to campus sexual assault is essential to provide support and options to victims, increase sexual assault reporting, increase identification and prosecution of sexual offenders, and decrease victimization of survivors.
- Sexual assault is a crime. Campus and local law enforcement officials are best suited to conduct investigations of allegations of campus sexual assault due to their training and experience in criminal investigations, recognizing that it is the victim who chooses whether or not to pursue a criminal investigation.
- Training campus officials, including Title IX coordinators, together with campus and local law enforcement officials, in trauma-informed sexual assault investigations is necessary for a coordinated response to campus sexual assault that prioritizes the needs of victims and ensures fairness.

Principles

- Law enforcement officials have an important role in the prevention of campus sexual assault through education efforts, including working with student groups and through timely warnings mandated by the Clery Act.
- To be most effective, recommendations should apply to both public and private institutions, if possible, and should consider a broad approach that integrates prevention of and response to sexual assault on campus and in the locality.

Overview

- **Coordinated Response to Campus Sexual Assault**
 - Sexual Assault Response Teams
 - Memoranda of Understanding
 - Trauma-informed Sexual Assault Investigation Training
 - Evidence Collection (PERKs)
 - Timely Warning
 - Law Enforcement Role in Prevention

Overview

- **Increased Reporting**
 - You Have Options Program Piloting
 - Public Awareness Campaign
- **Ongoing Work**
 - Permanent Advisory Committee

Sexual Assault Response Teams (SARTs)

Recommendation #1

Amend Virginia Code Sec. 23-9.2:10 to require public and private institutions of higher education to establish SARTs

- Adds to existing law requiring violence prevention committees and threat assessment teams
 - Adds that violence prevention policies and procedures should include sexual assault
- Under current law, Commonwealth's Attorneys are required to coordinate response and convene annual meeting to discuss SARTs (Sec. 15.2-1627.4)
 - Not a mandate that local SARTs exist
 - Not all stakeholders required to be included
 - Participation not required
 - Some jurisdictions do not hold meetings

Sexual Assault Response Teams (SARTs)

- SART membership should be inclusive to promote a coordinated campus response
 - Campus officials, including Title IX, campus law enforcement, student affairs
 - Mental health professionals, health and wellness center personnel, victim advocates, counseling services
 - Local law enforcement
- SARTs should address:
 - Sexual assault prevention and reporting
 - Policies and protocols for the immediate response to a report of sexual assault, including collection of evidence and providing support and options to victims, consistent with the model guidelines for SARTS established by DCJS

Sexual Assault Response Teams (SARTs)

- Another option: Mandate local SARTs to be inclusive of campus officials
 - Students are victimized off campus
 - Victims in the community (not students) would benefit
 - Creates a coordinated response to sexual assault in the community and on campus
 - Some local SARTs may be effective
 - Beyond the scope of the Task Force charge

Memoranda of Understanding with Local Law Enforcement or the Virginia State Police

Recommendation #2

- Amend Virginia Code Sec. 23-234 (B) to require that MOUs between institutions of higher education and local law enforcement address sexual assault
 - Current law requires mutual aid agreements either with local law enforcement or the Virginia State Police, but does not require that the former address sexual assault
 - Mutual aid agreements tend to be pro forma
 - MOUs that include sexual assault investigations can facilitate a coordinated response by detailing the roles and responsibilities of campus police and local law enforcement

Memoranda of Understanding

- Best Practices for MOUs, consistent with the White House Task Force recommendations, include that the MOU with local law enforcement:
 - Is developed in collaboration with both the law enforcement community and others on campus and in the community with a role in preventing and responding to sexual assault reports
 - Addresses prevention efforts, sharing reports among law enforcement agencies, and training
 - With respect to investigations, addresses providing information to victims about options and support, collection of evidence, interviewing witnesses, procedures involving the SART, and coordination with the Title IX investigation

Trauma-informed Sexual Assault Investigation Training

Recommendation #3

- Amend Virginia Code Sec. 9.1-102 to require DCJS to provide curriculum and training in trauma-informed sexual assault investigation
 - Training should address Title IX, Clery, VAWA
 - Training should be multidisciplinary, including law enforcement, campus officials, victim advocates and forensic nurses

Trauma-informed Sexual Assault Investigation Training

- **Best Practices for Training include:**
 - Providing the victim with options re: Title IX or criminal investigation and support resources
 - Encouraging the victim to speak with law enforcement, knowing that the victim will choose whether or not to pursue a criminal investigation
 - Importance of prompt collection of evidence

Trauma-informed Sexual Assault Investigation Training

- **Best Practices for Training include:**
 - Forensic Experiential Trauma Interviews (FETI)
 - If victim chooses to pursue a criminal investigation, and at the request of Commonwealth's Attorney, pausing the Title IX investigation for the criminal investigation to proceed
 - Sharing of information among Title IX coordinator, local law enforcement, campus law enforcement

Evidence Collection - Physical Evidence Recovery Kits (PERKs)

Recommendation #4

- Amend Virginia law to require the collection and storage of PERKs in cases of restricted reporting
 - Physical evidence is a critical part of criminal prosecutions
 - Currently, law enforcement is not required to accept responsibility for the receipt, transport and/or storage of evidence without a report from the complainant
 - A victim may choose a restricted (anonymous) report initially, then choose to prosecute, but the PERK may not have been collected and stored

Other Evidence Collection

- Best practices in evidence collection include gathering and retaining the victim's clothing and collecting blood and urine samples, including in cases of restricted reporting
 - The victim's clothing may contain biologic evidence to identify the assailant
 - Blood and urine samples can provide evidence if a victim has been drugged
 - Balance goal of value of this evidence with costs of collection, testing, retention

Evidence Collection - Physical Evidence Recovery Kits (PERKs)

Recommendation #5

- Amend Virginia law to require that PERKs be retained for a specific period of time
 - There is no statute of limitations for rape
 - PERKs may be destroyed before a victim chooses to pursue a criminal prosecution
 - Balance goal of indefinite retention of PERKs with possible space/cost factors
 - Inform victims of law/practices re: evidence retention

Clery Act Timely Warning

Recommendation #6

- A Clery-required timely warning notice should be issued for every report of campus sexual assault made within a specified time of the incident
 - Facilitates Clery compliance and avoidance of significant fines
 - Reduces stigma of having a large number of reports if all institutions follow this practice
 - Provides more opportunity to educate the public
 - May result in increased reporting
 - Timeliness: warning issued if report is within 10 days of incident, or longer if drugging or other exacerbating circumstances

Law Enforcement Role in Prevention

Recommendation #7

- Law enforcement prevention efforts are most effective when part of coordinated campus and community sexual assault prevention
 - Recommendation re: SARTs in Virginia Code Sec. 23-9.2:10 addresses a coordinated effort, including prevention
 - Prevention efforts should address the prevalence of underage drinking and binge drinking
 - Virginia Tech Campus Police and the Blacksburg Police Department have model programs, including “No Hokie Left Behind” and “Adopt-a-Cop” to help enhance a culture of campus safety

Increased Reporting through You Have Options Program Pilot

Recommendation #8

- Virginia should pilot the “You Have Options” program with at least 2 law enforcement agencies across the Commonwealth
 - Victim-centered and offender-focused approach, with investigators that are trained in forensic experiential trauma interviewing (FETI)
 - Victims are encouraged to report to law enforcement even if they choose not to pursue criminal investigation
 - Options include information-only report, partial investigation, complete investigation (necessary for criminal prosecution)
 - Developed by the Ashland (OR) Police Department and recognized as an “Innovation in Criminal Justice” by the Association of Prosecuting Attorneys and a Promising Practice by the Office of Vice President Biden
 - Ashland (OR) Police Department saw a 106% increase in sexual assault reports after implementing YHOP

Increase Reporting Through Public Awareness Campaigns

Recommendation #9

- Virginia should adopt the Start by Believing Public Awareness Campaign, with the Attorney General and Governor playing prominent roles
 - Victims often first report to family members or friends, who may discourage a victim from seeking help or reporting to law enforcement
 - To increase victim reports to law enforcement, public attitudes about sexual assault must change
 - The Start by Believing Campaign (developed by End Violence Against Women International) has resulted in an increase in victims seeking support and increased reports to law enforcement

Continue the Task Force's Work By Creation of a Permanent Advisory Committee

Recommendation #10

- A permanent Advisory Committee on School and Campus Safety should be established to continue the important focus on campus sexual assault
 - The Committee should be established by the Governor and include representatives of all relevant state agencies
 - The Committee would provide technical assistance, training and support to institutions of higher education in implementation of the Task Force recommendations and in the ongoing work to develop model policies and practices

Continue the Task Force's Work By Creation of a Permanent Advisory Committee

- The Committee can propose data to be collected and studies to be conducted to improve the prevention of and response to campus sexual assault
- Because secondary school students also are victims of sexual assault, and the attitudes and behaviors contributing to college campus sexual assault likely begin before students enter college, the Committee should address K-12 as well

Draft Recommendations Prevention Subcommittee

Emily Renda
Chair, Prevention Subcommittee

March 18, 2015



The Prevention Subcommittee has been directed to:

- Find ways to create an open and supportive relationship among students, faculty, campus organizations, the administration, law enforcement, community-based organizations, and the greater college/university community.
- Assess current prevention programs for faculty, students and staff to determine what training is currently being utilized, who are the recipients and their effectiveness.
- Research and review prevention programs for faculty, students and staff in Virginia, nationally and internationally to identify best practices.
- Identify the best methods to encourage reporting by victims and anonymous reporting by witnesses.

Principles:

- Prevention as primarily interventions at the community and individual levels that occur before an act of violence occurs
- Prevention initiatives must be based on and centered around evaluation data and ongoing research to ensure that goals are being met
- Messaging, content, and programming that is delivered in adequate and receivable doses that are sensitive to the developmental stages and identities of the audience

Principles:

- Socio-ecological framing for prevention: interventions at the cultural, community, relational and individual levels
- Focusing on how areas of primary, secondary, and tertiary prevention will be covered by any set of recommendations and that primary prevention should be the centerpiece of any prevention plan
- Sexual violence prevention must be multicultural and tailored to specific needs and attitudes of various sub cultures. Programs must be tailored to engage with all levels of the community in such a way that encourages buy-in

Campus Climate Survey

Recommendation #1

In consultation with the recommendations from the Office of Civil Rights and the Virginia institutions of higher education offices of institutional resources, State Council of Higher Education in Virginia (SCHEV) should develop a uniform campus climate survey to be administered once every two years by each institution during fall semester.

- The survey should incorporate baseline questions to be asked at each college or university. In addition, each institution would be permitted to add questions that address the unique issues applicable to the individual institution.
- The survey results will be maintained in a central database and reported to all participating institutions.
- Further, SCHEV should analyze results for necessary potential prevention programs, policy formation and resource development changes as recommended.

Prevention Education

Recommendation #2

The need to combat campus sexual assault begins years before the students reach campus; therefore, we are recommending the Virginia Department of Education incorporate healthy relationship and positive behavioral interactions programming in K-12.

- We recognize that the prevention of sexual assault is about changing the culture and providing age-appropriate education about healthy relationships and behaviors.
- The Prevention Subcommittee recognizes that change to the school curriculum is a complex process that rests with the Virginia Department of Education.

Prevention Education

Statewide Prevention Teams

Recommendation # 3

Creating a network for faculty, staff, students and community members engaged in sexual violence prevention and education.

The statewide network would provide:

- Annual Summit for campus prevention
- Toolkits to provide specific, research-informed guidelines for development of a prevention strategy
- Prevention strategies should extend to the larger communities hosting institutions.
- Statewide Credentialing for prevention professionals
- Collaborate or combine with existing teams doing this work

Prevention Education Institutional

Recommendation # 4

Each Institution should have a multi-disciplinary group to coordinate and cross-pollinate prevention activities

- Prevention strategies should extend to the larger communities hosting institutions such as student gathering places.

State-based Grant Program

Recommendation# 5

Creation of a state-based grant program for gender-based violence prevention evaluation

- Administration of small grant funding (between \$1,000 - 10,000) to teams of faculty, staff, students and/or community members for projects to evaluate prevention initiatives.
- Encourage existing university research-learning programs to prioritize funding for the evaluation of local prevention initiatives and priorities.
- Results of any grant-funded project shall be reported back to the administering office (SCHEV) and made accessible to institutions across the state and the Statewide Advisory Committee on Sexual and Domestic Violence.
- This recommendation requires state funding given to SCHEV to administer to institutional agents. SCHEV may need additional resources in order to administer this program.